



*Ark Regional Services*



*Employee Handbook*

2024

## **IMPORTANT NOTICE**

**THIS HANDBOOK IS INTENDED AS A GUIDE FOR THE EMPLOYEE TO PERFORM THEIR JOB IN AN EFFICIENT AND PROFESSIONAL MANNER. NOTHING IN THIS HANDBOOK SHALL BE CONSTRUED TO BE A CONTRACT BETWEEN ARK REGIONAL SERVICES OR ITS RELATED ORGANIZATIONS AND THE EMPLOYEE. ADDITIONALLY, THIS HANDBOOK IS NOT TO BE CONSTRUED BY ANY EMPLOYEE AS CONTAINING BINDING TERMS AND CONDITIONS OF EMPLOYMENT. REGARDLESS OF WHAT THESE POLICIES SAY OR PROVIDE, THE EMPLOYER REMAINS FREE TO CHANGE ITS POLICIES, WAGES, AND ALL WORKING CONDITIONS WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE'S AGREEMENT, WITH OR WITHOUT NOTICE, IN WRITING OR OTHERWISE.**

**ALL EMPLOYEES ARE AT WILL EMPLOYEES. ARK RETAINS THE ABSOLUTE RIGHT TO TERMINATE ANY EMPLOYEE AT ANY TIME, WITH OR WITHOUT CAUSE. IN THE SAME REGARD, AN EMPLOYEE MAY TERMINATE HIS EMPLOYMENT WITH ARK AT ANY TIME, WITH OR WITHOUT NOTICE OR WITH OR WITHOUT CAUSE.**

**NO EMPLOYEE, SUPERVISOR, OR MANAGER OF ARK, OTHER THAN THE CEO, HAS THE AUTHORITY TO MAKE ANY PROMISE OR STATEMENT INDICATING THAT ANY EMPLOYEE IS EMPLOYED FOR ANY DEFINITE PERIOD OF TIME OR ANY STATEMENT OR PROMISE WHICH CONTRADICTS THE PROVISIONS OF THIS DISCLAIMER. ANY SUCH PROMISE OR STATEMENT MADE BY THE CEO MUST BE IN WRITING AND SIGNED BY THE CEO AND THE EMPLOYEE TO BE ENFORCEABLE.**

**QUESTIONS REGARDING THIS POLICY SHOULD BE DIRECTED TO THE CEO OR THE DIRECTOR OF HUMAN RESOURCES.**

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# *Who We Are and What We Believe*

Management Rights  
Mission  
Vision Statement  
Core Values  
Ethical Code Of Conduct  
Organizational Chart & Chain of Command  
Contact List



## **Preface**

For the sake of simplicity, the term "Ark" will be used throughout the policy manual as it relates to Ark Regional Services. It should also be noted that Ark is not an agency-affiliated member of the ARC of the United States.

**The policies and provisions contained in this handbook apply to all employees, unless otherwise indicated in a particular policy or provision.**

## **Management Rights**

Only the CEO or a designated representative has the authority to make any changes or exceptions in Ark policies or procedures.

Ark is continually looking for ways to improve the services provided to the people we serve. In order to accomplish this, Ark retains all rights to manage, direct, and control its business and, as such, has the right to plan, manage, and direct the work of employees. Inclusive in this right is the right to hire; the right to determine the size, structure, and makeup of the work force; the right to establish hours of work; the right to assign job tasks; the right to establish personnel, pay, and benefits systems; the right to evaluate work performance; the right to establish work rules and standards; and the right to discipline and terminate employees. Only the CEO or a designated representative has the authority to make any changes or exceptions in Ark policies or procedures. In addition, the CEO or a designated representative may terminate or reassign any employee and may change any employee's status from full time to part time, for any reason, with or without cause, as necessary or proper, with or without notice.

## **Mission**

Supporting people with intellectual and developmental disabilities to actively engage in their life through new opportunities, healthy relationships, and lifelong learning.

## **Vision Statement**

A world that is equitable, respectful, and values the diverse perspectives of all people.

## **Core Values**

Core Values:  
Relationships  
Integrity  
Communication  
Diversity  
Innovation  
Choice  
Safety

**Relationships** – We believe in the power of healthy relationships that are built on trust, respect, and empathy between all people.

**Integrity** – We believe in honesty, fairness, and a commitment to our vision, mission, values, and applicable rules and regulations.

**Communication** – We believe in accurate, timely, and open communication and strive for all people to feel comfortable providing input and expressing themselves.

**Diversity** – We embrace individual differences and believe we are a stronger organization by practicing openness, respect, dignity, and acceptance.

**Innovation** – We embrace growth, creativity, and excellence as we continue to evaluate and improve so that we may provide the highest quality services possible.

**Choice** – We believe all people should be informed, experience new opportunities, and have input in the decisions that impact their lives.

**Safety** – We believe in environments that promote emotional and physical wellbeing, and positive mental health for all people.

## ***Ark Regional Services Ethical Code of Conduct***

Leadership, employees, and volunteers associated with Ark shall:



1. Foster the vision, mission, and values of the organization, and promote the fulfillment of its goals.
2. Treat all people, most importantly those individuals receiving services, with dignity and respect at all times.
3. Commit to providing high quality services designed to meet the needs of all individuals with emphasis on promoting choice, inclusion, growth, and development.
4. Develop and maintain relationships that are respectful, based on mutual trust, and maintain professional boundaries.
5. Honor the integrity of Ark and represent the organization honestly and fairly at all times.
6. Follow all organizational policies, including those located in the Employee and Client Handbooks.
7. Conduct Ark business in accordance with all applicable laws, regulations, and its Values Statement.
8. Honor professional responsibility over personal interest and disclose financial, business, or personal concerns that may constitute a conflict of interest.
9. Avoid entering into any contractual relationship with Ark without first declaring a conflict of interest and requesting that Ark obtain bids or collect other data necessary to ensure the relationship is in the best interest of the organization.
10. Refrain from accepting gifts of monetary value from persons or organizations that may seek influence or special treatment.
11. Hold in confidence any information of people receiving services or privileged administrative information learned in the course of association with Ark.
12. Refrain from acting as a witness to documents such as Power of Attorney, guardianship, advance directives, and/or signing contracts without approval of the CEO.
13. Use the resources of Ark in a responsible manner and not for personal activities beyond what is allowed by the policies and procedures of the organization.
14. Ensure commitment to the need to prevent and detect fraud, waste, abuse, and fiscal mismanagement and misappropriation of organizational funds.
15. Disclose any breach of ethics to the appropriate level of administration, whether the breach is one's own or on the part of someone else.

The CEO will address breaches of this ethical code of conduct within 10 days of a reported violation. Ark prohibits retaliation against anyone making a good faith report of alleged wrongdoing.

### ***Supervisory Chain and Organizational Chart***

Except as otherwise permitted by other policies, (such as the Policy Prohibiting Retaliation, the Equal Employment Opportunity, and Policy Prohibiting Harassment) all employees should follow the supervisory chain when addressing work issues or questions regarding organizational policies and procedures.

**An employee should always report to and work with their immediate supervisor.** However, if the immediate supervisor is unavailable or if there are concerns that are not addressed, employees should follow the supervisory chain as outlined on the Organizational Chart, or contact the Director of Human Resources.

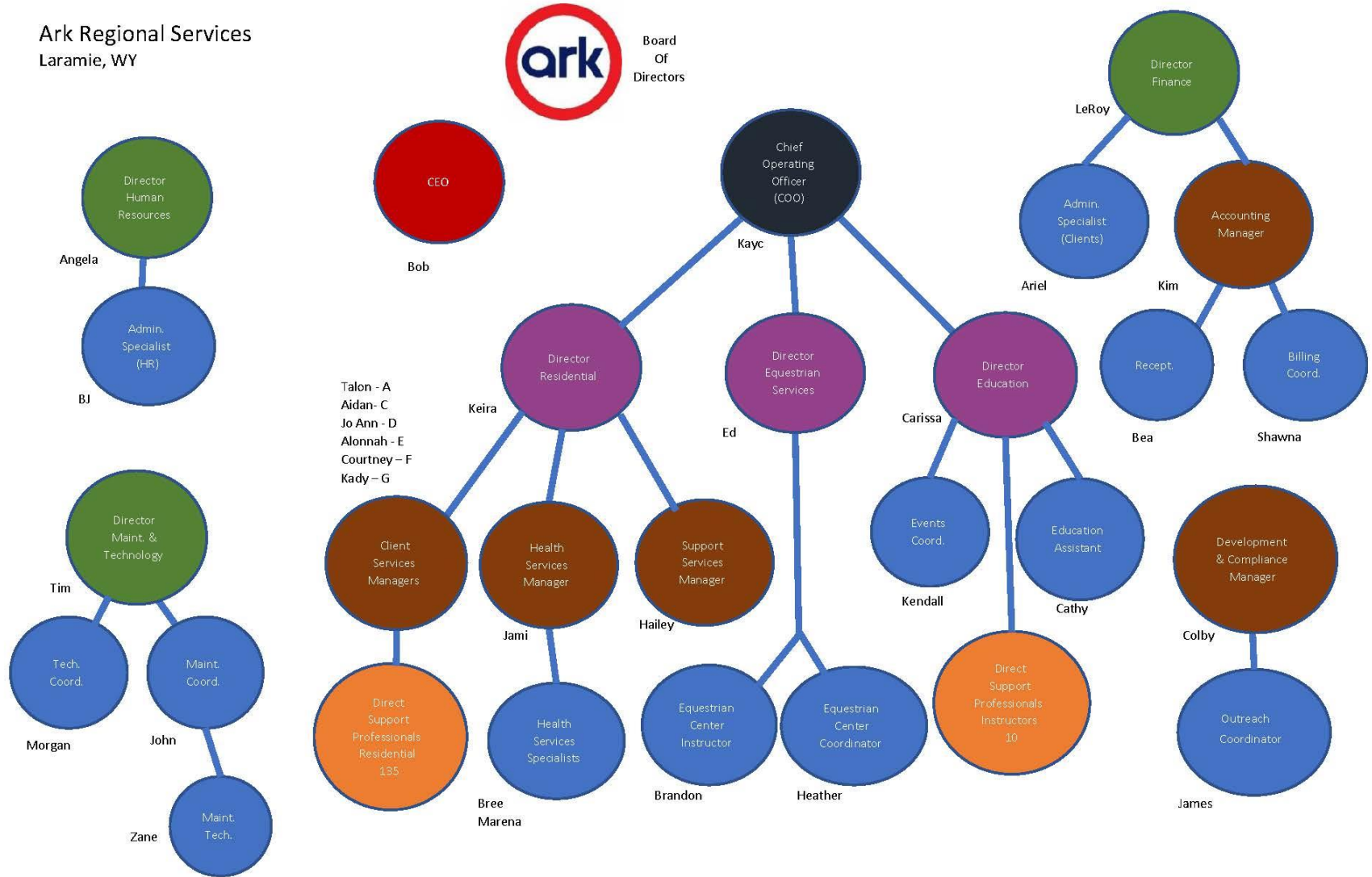
### ***Open Door Policy***

Ark believes in an open-door policy. This means that any employee can meet with any member of leadership to make suggestions, voice concerns, or problem-solve.

Ark Regional Services  
Laramie, WY



Board  
Of  
Directors





**Contact List**

Front Desk - 307-742-6641

Bob Sell - CEO - 307-760-2098 - bob@arkrs.org

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LeRoy Martin - Director of Finance -307-760-8684 - leroy@arkrs.org

Tim Pratt - Director of Maintenance and Technology - 307-760-2881 - tim@arkrs.org

Colby Chisholm - Development & Compliance Manager - 307-742-6641 - colby@arkrs.org

**Home and Community Based Programs**

Kayc DeMaranville - Chief Operating Officer - 307-460-8917 - kayc@arkrs.org

Kiera Petersen - Director of Residential - 307-742-6641 - Kiera@arkrs.org

Carissa Isom - Director of Education - 307-742-6641 - wendy@arkrs.org

Ed Ulrich - Director Equestrian Services - 307-742-6641 - ed@arkrs.org

Colby Chisholm - Safety Officer, HIPAA & Privacy Officer, Corporate Compliance Officer

On-Call - 307-760-0882

Maintenance On-Call - 307-760-5767



# *Getting A Job*

Equal Employment Opportunities  
People With Disabilities  
Staffing Patterns  
Job Openings  
Background Checks  
Authorization To Drive  
Personnel Files  
Part-Time Employment  
Full-Time Employment



### ***Equal Employment Opportunities***

Equal employment opportunities shall be provided to all employees in the administration of all personnel practices including, but not limited to; recruitment, appointments, promotions, discipline, retention, training and other benefits, and terms and conditions of employment in a manner which does not discriminate on the basis of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws.

An employee who believes they have been subject to discrimination on the basis of one of the characteristics described above should immediately report the circumstances to their immediate supervisor. If the employee is not satisfied with the response, or if they are reluctant to discuss the problem with their immediate supervisor, the employee should notify the CEO or the Director of Human Resources. Supervisors who become aware of any action or condition that might violate this policy must notify the CEO. All reports will be investigated promptly and as confidentially as possible consistent with the need to conduct a thorough investigation. Appropriate corrective action will be taken for violations of this policy.

### ***People with Disabilities***

Employment decisions shall be made in a manner which ensures that discrimination based on disability does not occur. Such decisions may not limit, segregate, or classify an applicant or employee on the basis of disability in a way that would adversely affect their opportunities or status. Equal employment opportunities must be available to people physically and mentally qualified to perform the essential functions of a job.

At the time of hire, an employee who wishes to request an accommodation due to a physical or mental disability should first make the request to the Director of Human Resources. If such a request is not made at the time of hire, an employee who wishes such an accommodation should then make the request to their immediate supervisor. An employee should also feel free to take requests for accommodation directly to the CEO if the employee's supervisor has not responded to the employee's request for accommodation within a reasonable time, or the employee feels that the response has been inadequate or inconsistent with Ark's legal obligations. When a request for accommodation is made, Ark may ask the employee for additional documentation of the disability, and may explore alternatives for identifying a reasonable accommodation that enables the employee to perform the essential functions of their position. In addition, Ark may request that the employee ask their health care providers for additional information or input in this process.

### ***Staffing Patterns***

Staffing patterns are first and foremost determined by the needs of the people receiving support. In general, staffing patterns will be based primarily on the supervision needs outlined in the person's individualized plan of care. The health and safety of the people Ark supports is paramount, but independence, typical experiences, effective learning environments, sensory input, overcrowding, etc. will also be taken into consideration when determining staffing patterns. It is expected that individual supervisors will adjust established staffing patterns to account for increased or decreased needs of people receiving services while assuring that medication assistance is practiced, medical needs are monitored, all activities of daily living are completed, goal attainment is being achieved, people are able to do the things that they enjoy with friends of their choosing, and they are able to stay home due to illness.

During daytime hours, all employees are expected to be available to assist in the event that they are needed for personal care needs, crisis, transportation, etc. Supervisors will use the MITC platform to determine scheduling in the area(s) for which they are responsible and will maintain each month's schedule for a period of not less than one year for the purpose of verifying who worked, where they worked, and for how long. Any changes that occur to an established staffing pattern, (someone is sick, on vacation, etc.) must also be entered in MITC for verification purposes.

Supervisors will ensure that all employees have necessary training and background checks prior to scheduling people to work alone. Staffing patterns are adjusted accordingly during absences associated with clients visiting family over holidays to ensure those staying at home are able to celebrate as they choose.

### **Job Openings**

Job vacancies are posted in the reception area of the administration building and on Ark's website. Ark only accepts employment applications for authorized vacant jobs. Current employees who wish to apply for a different job with Ark are required to complete a new application with current job information. Applications for jobs that require continual recruitment may remain on file with Ark for a period not to exceed 60 days.

Resumes will be accepted at the discretion of the CEO for hard-to-recruit or professional positions and will remain on file with human resources for one year.

Previous employment history, driving record, employment credentials, and other relevant information will be verified by Human Resources for applicants as deemed necessary.

Notice of employment by Ark is officially made in writing by the CEO or his designated representative.

### **Background Checks**

New employees are required to undergo a background check, which includes fingerprinting. Human Resources will verify the employee's criminal record and other records deemed necessary. Costs associated with such investigations will be incurred by Ark. While a criminal conviction will not necessarily disqualify

an applicant, if the background check reveals information which is inconsistent with the rules and regulations of the Wyoming Department of Health, inconsistent with Ark's job-related requirements, or reveals that the applicant has given false or incomplete information, the employment relationship may be immediately terminated. In some instances, Ark may request information to run a preliminary background check prior to offering employment.

**New employees cannot work alone until permission is received from Human Resources.**

Ark shall run additional background checks of an employee during employment should we become aware of issues that could potentially disqualify the employee from being eligible to provide waiver services. Employees shall undergo subsequent background screenings every five (5) years.

### **Authorization to Drive**

Ark must adhere to strict guidelines regarding driving eligibility requirements for employees. As part of the employee's background check, their driving record will be checked to ensure that driving eligibility requirements are met. If they receive a traffic violation after they are hired, they must notify Human Resources within five days. Human Resources will then verify that they are still eligible to drive according to Ark's insurance guidelines. If an employee is no longer eligible to drive, they may be transferred to another position or employment may be terminated. Driving records will be reviewed annually.



New employees are required to undergo a background check, which includes fingerprinting. New employees cannot work alone until permission is received from Human Resources.

## **Personnel Files**

Human Resources maintains a personnel file on each employee. Any employee may review their file, at a reasonable time, upon request to the CEO. However, personnel files are the property of Ark, and copies of the contents of the file will be released only at the discretion of Ark or as required by law.

## **Part-Time Employment**

Part-time employment shall be defined as any position that is budgeted as part-time and typically involves scheduled work of less than 40 hours per week. The rate of pay for part-time positions shall be determined by the requirement of the position and shall be expressed on an hourly basis. In any case, the hourly rate shall not be less than the current federal minimum wage.

A part-time employee is eligible for retirement benefits if they are regularly scheduled to work 25 hours or more per week, but they are not eligible for paid holidays. For information on health insurance eligibility please contact Human Resources.

A part-time employee is eligible for personal leave and for retirement if they are regularly scheduled to work 25 hours or more per week, but are not eligible for paid holidays.

## **Full-Time Employment**

Full-time employment shall be defined as any position designated as full-time and typically involves scheduled work of 40 hours per week. The rate of pay for full-time positions shall be determined by the requirement of the position and shall be expressed on a monthly or hourly basis. In any case, the rate shall not be less than the current federal minimum wage.

A full-time employee is eligible for such benefits as health insurance, retirement, holiday pay, and personal leave. Eligibility and participation in Ark's health insurance and retirement benefits are governed by plan documents, which are available from Human Resources.

Full-time employees are expected to give their full effort to the performance of their job duties, and many full-time positions require employees to be available weekends and evenings. As a result, Ark strongly discourages full-time employees from holding other employment. If a full-time employee chooses to hold secondary employment, Ark reserves the right to determine, at any time and at Ark's discretion, that the secondary employment interferes with the performance of their Ark position, and to terminate Ark's relationship with the employee or give the employee the option of terminating the secondary employment as a condition of maintaining employment with Ark.



# *Welcome Aboard*

Job Descriptions  
ID Badges  
Employee Dress and Chemical Sensitivities  
Employee Check In/Out  
Clock In/Out System  
Attendance  
Keys



## Job Descriptions

A job description listing essential functions, current duties and responsibilities, and supervisory relationships for each job within Ark is maintained. Annually, an employee and their immediate supervisor will review the job description as a means to evaluate employee performance and to ensure appropriateness of the job description. An employee's job description is available to the employee or the employee's supervisor upon request from Human Resources.

## ID Badges

An employee is required to have an official Ark ID badge available while working in Ark facilities or when performing official Ark business. ID badges are issued by Human Resources. If an ID Badge is lost, it is important to notify human resources as soon as possible. When an employee terminates employment with Ark, ID badges are to be returned to the Director of Human Resources.

An employee is required to have an official Ark ID badge available while working in Ark facilities or when performing official Ark business.

## Employee Dress and Chemical Sensitivities

Every employee of Ark is a role model for the people receiving support; therefore, it is important to be dressed in a manner that demonstrates the importance of appropriate dress and personal hygiene. Each employee is expected to come to work looking neat and clean and should be dressed in good taste and appropriately, as determined by Ark, for their job or any Ark sponsored event. Every employee should also be dressed for all types of situations that may occur during the day and in a manner that is appropriate when having interactions with parents, guests, and other members of the community.

Employees must be mindful of how they will be supporting people throughout the day. If an employee is assisting a person in cleaning their room, then shorts may be appropriate. If an employee is assisting a person at a doctor's appointment, or assisting them at their job, then jeans or business casual is appropriate.

Inappropriate casual attire includes spandex, halter tops, tank tops with thin straps, low-cut, midriff and/or suggestive t-shirts, particularly t-shirts that are of a sexual or demeaning nature. Low rise jeans/shorts that prevent modesty are not acceptable. Administrative, employment, and education employees are not allowed to wear shorts of any kind. Residential employees are allowed to wear shorts, no more than 2" above the knee in length and only if they are appropriate for the tasks and activities being completed that day. However, cut-offs, athletic or running shorts, cycling shorts, or other shorts deemed inappropriate by a supervisor are not allowed. Casual dresses and skirts, and skirts that are split at or below the knee are acceptable if they are appropriate for the tasks and activities being completed that day. Dress and skirt length should be no more than 2" above the knee.



An employee with tattoos may be asked to cover them if they display offensive slogans, pictures, or language. Employees should be aware that body piercings and related jewelry can be a potential health and safety concerns such as being pulled or grabbed.

An employee is expected to use good judgment in selecting appropriate clothing, and present themselves in an appropriate manner, remembering that they are a role model for clients and



other employees, and a representative of the organization. That being said, Ark reserves the right to determine the appropriateness of clothing, tattoos, and body piercings as it relates to this policy.



Employees are also reminded that some clients and employees have chemical/odor sensitivities to tobacco smoke, perfumes, colognes, and other scents. It is important that employees be considerate of these sensitivities and limit or omit the use of potentially disruptive products.

### ***Employee Check In/Out***

It is the responsibility of all employees listed on the electronic In / Out System to keep their status updated throughout the day. When an employee is unavailable, the receptionist will route messages and inquiries to the appropriate personnel or voice mail.

### ***MITC Time Recording System***

Designated employees will record time worked using MITC, the time recording system used by Ark. It is against Ark policy for any employee to check another employee in or out, or for an employee to clock in or out from an unauthorized location. It is strictly prohibited for any hourly employee to work off-the-clock, begin work before checking in, or continue work after checking out. Employees shall immediately contact Human Resources if a supervisor makes any request which would violate this policy. Also, employees are prohibited from remaining on-the-clock when not working.

In upholding Ark's values and integrity, it is important that employees use their time wisely. An employee should not clock in to work and then immediately take a break nor take a break immediately before clocking out for the day. When at work employees are expected to work.

An hourly employee is required to verify accuracy and electronically approve a time card for the appropriate pay period according to the published schedule. If time cards are not approved and there are errors, the pay will reflect only what is current and verifiable. Once the time card has been corrected, the pay resulting from those corrections will be reflected on the paycheck for the next pay period. An employee is responsible for electronically approving their time card within the required time frame for each pay period. By submitting an approved time card, the employee certifies that the time recorded on the card was actually worked and that they did not work any time during the period covered by the time card which is not recorded on the time card.



## Attendance

Ark expects each employee to show up for work on time, remain at work, and be engaged in work activities for the entire shift. Support and quality of services for the clients are greatly enhanced when supervisors can plan for and adjust to employee absences. Each department has a procedure for requesting time off, being late, or leaving work early. These procedures are designed to give supervisors the opportunity to appropriately provide the necessary support required for the people served. In addition, agency-wide training and monthly meetings are held by departments. These meetings cover information and other important aspects of work. Each employee is required to attend these meetings and will be paid for their time. An employee missing any departmental meetings will be responsible for contacting their supervisor for additional training or information. An employee who does not follow the established procedure is subject to disciplinary action, up to and including termination.

If a part-time employee is not scheduled to work for more than 90 consecutive days, their employment will automatically be terminated, unless they have an extenuating circumstance and have received approval for the extended leave of absence from the CEO. Upon return, prior work schedules are not guaranteed and are based on the needs of the organization.

Ark expects each employee to show up for work on time, remain at work, and be engaged in work activities for her entire shift.

## Keys & Fobs

Employees may be issued keys and/or fobs for their work area. The security of these items is the responsibility of each employee. There is a \$25.00 fee for the replacement of lost items. If all items that were assigned are not returned when employment is terminated, \$100 will be assessed from the employee's final paycheck. Keys and fobs checked out on a daily, temporary basis must be returned to the reception area by the end of the work day.



# *Testing and Training*

Tuberculosis Assessments  
Staff Development and Training  
Drugs and Alcohol



## ***Tuberculosis Assessment***

An annual TB assessment must be completed by all employees who do not have a previously documented positive TB test. If any of the questions on the assessment, with the exception of the “Employment” section, indicate a 'yes' response, the employee will be directed to Public Health. Public Health will evaluate the assessment and conduct a TB test if necessary. The evaluation by Public Health and possible TB test must be completed within 30 days of the date of the assessment. An employee who does not complete the TB assessment within one year and 30 days of the previous test or assessment will be subject to disciplinary action.

An employee who does not complete the TB assessment within one year and 30 days of the previous test or assessment will be subject to disciplinary action.

## ***Training***

Required:  
New Employee Orientation  
Ark Annual Training  
The Mandt System  
Medication Assistance  
First Aid / CPR

Each employee is required to attend training within the time period prescribed. New employees have 30 days from their hire date to complete New Employee Orientation (NEO), The Mandt System® (recertify annually), Wyoming's Medication Assistance Training (recertify every three years), and First Aid / CPR (recertify every two years).

Although Ark provides all of these trainings, new employees who have documentation of current certifications in First Aid / CPR or other required training may be excused from some of these trainings with the approval of the CEO or designated representative.

## ***Training Re-certification***

Employees are required to renew certifications in the training areas that expire and are required for their position. Renewal must be completed by the end of the month in which the certification expires. Training information is available on MITC. It is the employee's responsibility to be aware of when their certifications expire. An employee who does not have current required training and certifications will not be scheduled to work and may be subject to disciplinary action. An employee who is required to attend training, re-certification, or workshops, will be paid for the hours spent in training.

## ***Overdue Training***

An employee who is unable to complete the required training within the specified time period is responsible for requesting an extension, in writing, to their supervisor. The request must contain reasons why the training cannot be completed and the employee's schedule of when the training is expected to be finished. Supervisors will consult the CEO on the extension. The CEO will review the request and approve or deny the request based on the needs of the organization and current Medicaid rules.

## ***Additional Training***

In addition to required classroom training, Ark provides ongoing training for each employee to ensure the skills and competencies necessary for working effectively with individuals supported by Ark. Supervisors will also provide ongoing department specific training. An employee must have current certification in Ark Annual Training, the Mandt System®, CPR and First Aid, Medication Assistance Training, and have received client specific Individual Needs Training (INTR) in order to work alone with clients. An employee will not be permitted to work alone and may not be scheduled for shifts if they do not: (1) obtain the necessary certifications within 30 days of being hired; (2) renew all certifications prior to the date in which they expire; and (3) receive client specific training on the person with whom they are to work.

## **Direct Support Professional Certification**

Ark would like to advance the careers of DSPs in our organization and encourage longevity of employment. Therefore, each DSP has the opportunity to apply for the DSP-Certification Program. This program offers expanded training in facilitation of services, behavioral support, trauma-informed care, dementia, and other unique experiences which foster well rounded training through work in different areas of Ark; and special sessions offered at Ark's Equestrian Center and at the Cooper Center for Creative Arts. After admittance and successful completion of this 60 hour/16 week certification process through Ark Regional Services, the DSP will earn a raise. The DSP will also gain increased knowledge about the organization leading to greater influence in organizational decision making, and carries the title Direct Support Professional Certified.

## **Drugs and Alcohol**

Ark Regional Services requires that all of its facilities and operations be drug free. Ark prohibits the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances in any Ark facility, vehicle, operation, or activity. An employee convicted of any criminal drug statute violation must notify the CEO within five days of that conviction. They will be subject to disciplinary action up to and including termination, and may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program.

The term "controlled substances" includes, but is not limited to, marijuana, cocaine, morphine/opiates, phencyclidine (PCP), amphetamines, and methamphetamines. It does not include over-the-counter medications taken in accordance with manufacturer's instructions or drugs prescribed by a physician for the employee when taken in the manner, combination, and quantity prescribed and used by and in the possession of the person for whom the drug is prescribed.

The term "illegal drugs" includes, but is not limited to, any form of drug, narcotic, hallucinogen, depressant, stimulant, cannabis, or other substances capable of creating or maintaining impairment or otherwise affecting one's physical, emotional, or mental state, and the sale, purchase, transfer, use or possession is prohibited by Wyoming or federal law. Ark does not recognize prescriptions for medical marijuana as an exception to this policy and Ark's policy applies regardless of whether the employee's use of marijuana was legal in the location of use.

**Ark expects every employee to report to work sober and fully capable of performing their jobs to the best of their ability and provide high quality care and support for the people served. As a result, employees are prohibited from reporting to work, working, or being on Ark premises while under the influence of controlled substances or alcohol.** Employees who are on an on-call status are also prohibited from consuming alcohol or coming to work in an impaired state during the on-call status period.

All Ark employees are subject to drug and/or alcohol testing, which may be conducted when Ark has a **reasonable suspicion** that an employee or a group of employees is under the influence of alcohol, illegal drugs, or controlled substances while on the job.

Any employee who refuses to consent to drug or alcohol testing, tampers with a sample, tests positive, or otherwise violates this policy may be placed on leave with or without pay until an appropriate corrective action is determined. In addition, any employee who has a confirmed positive drug or alcohol test will be terminated. Please note that employees do have a right to meet with the Director or Human Resources to explain a positive test result.

All Ark employees are subject to drug and/or alcohol testing when Ark has a reasonable suspicion that an employee or a group of employees is under the influence of alcohol, illegal drugs, or controlled substances while on the job.

# *Safety Is No Accident*

Employee Safety  
Unplanned Closure of Facilities  
Precaution to Prevent the Transmission of  
Communicable Diseases  
Violence Prevention Policy  
Dangerous Weapons Policy  
Worker's Compensation



## ***Employee Safety***

Ark's safety policies and procedures are based on past experience and current standards. The safety of staff and the individuals supported is a top priority of the organization and an integral part of Ark's employee procedures. It is each employee's responsibility to take action to resolve immediate safety concerns. An employee is to report major or irresolvable safety concerns and/or repairs to any of the Safety Committee members, Director of Compliance, or the CEO either directly or in writing. Further information regarding safety policies and procedures can be found in each department's Health and Safety Manual, or an employee may contact their supervisor or a member of the Safety Committee.

## ***Unplanned Closure Of Facilities***

It is the policy of Ark Regional Services that employees working outside of residential settings be available to provide support at residential sites and perform other assigned tasks as required whenever non residential facilities are closed due to severe weather or additional unforeseen circumstances. Whenever Ark Regional Services administrative and educational services close due to inclement weather or other unforeseen circumstances, all affected administrative and educational employees shall remain available throughout the day of such an occurrence in the event that their assistance is required to provide support of individuals served or other essential service.

Employees working outside of residential settings will be available to provide support at residential sites and perform other assigned tasks as required whenever non residential facilities are closed due to severe weather or additional unforeseen circumstances.

## ***Precaution to Prevent the Transmission of Communicable Diseases***

Ark believes it is essential to teach and incorporate health and safety practices.

In accordance with OSHA regulations, all jobs at Ark have been analyzed to determine which are "occupationally exposed" to blood or other potentially infectious materials. Employees in jobs classified as "occupationally exposed" are encouraged to be immunized against Hepatitis-B. These are jobs in which there is reasonably anticipated skin, eye, mucous membrane, or parenteral (blood to blood or blood to non-intact skin) contact with blood or other potentially infectious material. All jobs at Ark Regional Services are classified as "occupationally exposed."

As part of Ark's Standard Precautions program, Hepatitis B immunizations will be provided to employees upon request. The Hepatitis B immunization is a series of three shots given over a period of six months. New employees have within the first 10 days of employment to decide whether to be immunized or to decline the immunizations. Employees who do not wish to have the immunizations are required to sign a declination form. If an employee who previously declined the immunizations wishes at a later date to have the series, they must contact Human Resources to sign the appropriate documents. Employees will be responsible for making appointments with Public Health for the series of shots.

Personal protective equipment such as gloves, face shields, and aprons are to be used when giving support in personal care, mealtime assistance, and when doing household chores.

Ark also subscribes to standard precautions for the prevention of transmittable and/or communicable diseases and requires that all employees use the techniques prescribed in the Health and Safety Program Manual. Personal protective equipment such as gloves, face shields, and aprons are to be used when providing support in personal care, mealtime assistance, and when doing household chores, such as laundry and cleaning. Failure to use personal protective equipment when performing these tasks may result in disciplinary action up to and including termination.

## ***Violence Prevention Policy***

In an attempt to maintain a violence-free workplace, Ark has adopted a zero-tolerance policy toward workplace violence. Accordingly, all acts or threats of violence will be taken seriously. A threat or act of violence shall include, but not be limited to, any act or gesture intended to harass or intimidate another person or that may be perceived by a reasonable person as aggressive in nature, any act or gesture likely to damage company property, or any act or gesture likely to leave another person injured or fearing injury.

All employees are responsible for helping to maintain a violence-free workplace. To that end, each employee is required to govern themselves accordingly. In addition, any employee experiencing an act or threat of violence is asked to report such act or threat to their immediate supervisor or if their supervisor is unavailable, the next person in their supervisory chain or the Director of Human Resources.

Each act or threat of violence will be investigated and appropriate action will be taken. Any such act or threat may lead to disciplinary action up to and including termination. Individuals who are receiving services are not included under this policy.

## ***Dangerous Weapons Policy***

It is the policy of Ark Regional Services to provide a safe and healthy environment for all people who receive services from, work for, or visit Ark facilities. Possession of dangerous weapons, concealed or unconcealed, on Ark property, in Ark vehicles, or in personal vehicles when on Ark property, is a violation of Ark policy.

A dangerous weapon is any object that, by its design, can cause bodily harm or property damage, and includes, but is not limited to firearms, ammunition, explosives, knives and/or other devices, instruments, materials or substances which, by the manner in which it is used or is intended to be used, is reasonably capable of producing death or serious injury.

An employee in possession of dangerous weapons will be subject to disciplinary action, up to and including termination of employment. However, certain positions or departments may be in possession of tools needed to perform their job duties, as determined by the CEO.

Possession of dangerous weapons, concealed or unconcealed, on Ark property, in Ark vehicles, or in personal vehicles when on Ark property, is a violation of Ark policy.

## ***Workers' Compensation***

The Wyoming Workers' Compensation Act requires injured employees to notify their employer of all work-related injuries within 72 hours and complete a report of injury within 10 days.

An employee who is injured while on the job should notify their immediate supervisor and complete an Ark incident report form as soon as possible. This requirement is independent of any workers' compensation paperwork or deadlines, and failure to comply with this requirement may result in disciplinary action.

The Wyoming Workers' Compensation Act requires injured employees to notify their employer of all work-related injuries within 72 hours and complete a report of injury within 10 days. Workers'

compensation paperwork can be obtained from Human Resources. If assistance is needed in completing these forms, notify the Director of Human Resources or your immediate supervisor. An employee who has filed for Worker's Compensation must use accumulated personal leave while being absent from work due to the injury.

Further safety procedures and processes for injuries on the job are outlined in the Health and Safety Program. If the injury constitutes a serious health condition as defined by the Family Medical Leave Act (FMLA), the employee's leave will qualify for FMLA leave and will run concurrently.

# *Your Bottom Line*

Compensation For Employees  
Overtime Compensation  
Direct Deposit  
Benefit Program  
Health Insurance Continuation Coverage  
Holidays  
Personal Leave  
Court Leave  
Educational Leave  
Military Leave  
Voting Leave  
Leave Without Pay





## **Compensation for Employees**

Full-time employees are paid according to the established schedule. Part-time employees are paid every Monday. Paper checks are available no later than 9 am on paydays; direct deposits are credited according to each financial institution's policies. Checks for full-time hourly employees will be mailed at the end of the day on payday. For part-time employees who have not picked up a check, they will be mailed at 4 pm on Wednesday. If an employee has not received a paycheck within five working days, he should notify Human Resources as soon as possible.

## **Overtime Compensation**

In accordance with the Fair Labor Standards Act, non-exempt employees who are required to work in excess of 40 hours in a work week shall be compensated at the rate of one and one-half the regular rate of pay for all hours in excess of 40 hours in any one work week. For purposes of the act, Ark's work week starts Saturday at 12:01 a.m. and ends Friday at midnight.

An hourly employee must have approval from their supervisor prior to working overtime, unless it involves an emergency situation such as a client's illness or need for additional emergency assistance and/or support during the employee's shift. An employee required to work emergency overtime must notify their immediate supervisor as soon as reasonably possible. In order to avoid overtime situations, supervisors reserve the right to adjust employees' weekly work schedules. Unauthorized overtime will be paid but may be grounds for disciplinary actions.

An hourly employee must have approval from her supervisor prior to working overtime, unless it involves an emergency situation such as a client's illness or need for additional emergency assistance and/or support during the employee's shift.

## **Direct Deposit**

Ark Regional Services offers the option of direct deposit for employee paychecks. If an employee chooses this option, they must sign the appropriate forms and submit them to the Director of Human Resources. An employee is still required to electronically verify their time card to ensure the time for which they are paid is correct.

Upon leaving Ark Regional Services, an employee's last paycheck will be direct deposited or can be picked up at the administrative building. If it is not picked up within three working days, it will be mailed to an employee's last known mailing address.

Funds electronically transferred into an employee's account are generally available the morning of payday; however, banks post their deposits at different times, so Ark cannot guarantee an employee will have access to their earnings the morning of payday. If an employee's money isn't available the morning of payday, it is the policy of Ark Regional Services to wait 24 hours before issuing a replacement check.

## **Benefit Program**

Ark's employee benefit plans are governed by plan documents, which are available through Human Resources. This summary is provided for general information only, and the plan documents will always control eligibility and participation if in conflict with this summary.

Full-time employees and part-time employees regularly scheduled to work 25 or more hours per week are enrolled in the pension program through Wyoming Retirement System on the first day of employment. An employee will pay a portion of the contribution for participation in the Wyoming Retirement System. A full-time employee is eligible for health insurance coverage and dental insurance coverage after 90 days of continuous employment.

Full-time employees and part-time employees regularly scheduled to work 25 or more hours per week are enrolled in the pension program through Wyoming Retirement System, a portion of which is paid by the employee, on the first day of employment.

Open enrollment for health and dental insurance is December 1st – 31st each year. An employee must enroll during this time period in order to be covered on the effective date of January 1st. A part-time employee is not eligible for these benefits.

Ark's overall benefit program will be determined by the CEO. Information or questions regarding the benefit program should be directed to Human Resources. Ark reserves the right to alter, amend, change, or terminate any benefit program at any time with or without notice.

### **Health Insurance Continuation Coverage**

Federal Law (PL 99-272, Title X) requires employers sponsoring group health plans to offer an employee and their family the opportunity to temporarily extend health coverage in instances where coverage under the plan would otherwise end. Ark offers such a continuation coverage plan to its employees and dependents.

When Ark is notified that one of the qualifying events has occurred as stipulated by federal law, Ark will notify an employee and/or dependent of the right to purchase continuation coverage. Information or questions regarding qualifying events should be directed to Human Resources. An employee and/or dependent has 60 days from the date of lost coverage to inform Ark that continuation coverage is needed. However, an employee and/or dependent is required to continue paying monthly premiums to Ark. If continuation coverage is not purchased, the group health insurance coverage will end.

### **Holidays**

All Ark buildings that do not serve as residences will be closed on the following holidays:

- New Year's Day (January 1)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving Day (Fourth Thursday in November)
- The day after Thanksgiving
- Christmas Day (December 25)

If a holiday falls on a Saturday, the preceding Friday will be the day the holiday is observed and all Ark buildings that do not serve as residences will be closed. If the holiday falls on a Sunday, the following Monday will be the day the holiday is observed and all Ark buildings that do not serve as residences will be closed. A full-time employee receives eight hours of holiday pay for the day the holiday is observed.

If a Residential employee is typically scheduled to work a holiday and/or the day the holiday is observed, they will be expected to work unless they have received approval to take that day off.

An hourly employee will be paid a premium of one and one-half the rate of pay for working the actual holidays listed above.

### **Personal Leave**

Personal leave is leave with pay that an employee may use for vacation, personal appointments, illness, or other paid time off. A full-time employee will start earning personal leave on the first day of the fourth month of continuous employment. A record of personal leave earned and used will be kept by the MITC timekeeping system. Personal leave is earned by a full-time employee according to the following schedule:

Consecutive Months of Employment	Hours of Leave Per Month
Four to twelve	8 hours
Thirteen to thirty-six	12 hours
Thirty-seven to sixty	14 hours
Sixty-one to one hundred & twenty	16 hours
One hundred twenty-one or more	20 hours

A part-time employee earns eight hours of personal leave for every 160 hours of work completed. A part-time employee will start earning personal leave after 90 days of continuous employment.

Personal leave may be accumulated to a maximum of 240 hours. Upon termination of employment, an employee will be paid for any accrued personal leave at the current rate of pay. The designated beneficiary of a deceased employee will be paid for any accrued personal leave at the rate of pay the decedent was receiving at the time of death.

Full-time employees who work less than a full calendar month, because of absence from duty without pay, will accrue personal leave as follows:

Days Worked	Accumulation Rate
One through five days	1/4
Six through ten days	1/2
Eleven through fifteen days	3/4
Sixteen or more days	Full Rate

Ark retains the absolute right to decline any request for leave for any reason or no reason at all. All requests for scheduled leave shall be made in advance, by submitting a request for leave using MITC. An employee must arrange shift coverage for their regularly scheduled work hours and notify their supervisor of that coverage prior to beginning leave. If unscheduled personal leave occurs, an employee must notify their immediate supervisor as soon as possible.

Ark shall reserve the right to require an employee to take a specified amount of personal leave at a prescribed time and to otherwise schedule the use of all personal leave. For example: personal leave will automatically be used when a full-time employee does not work 40 hours in a week in order to bring the total hours up to 40. Personal leave will also be automatically used anytime a part-time employee does not work their scheduled shift.

### **Court Leave**

Any full-time employee who is serving as a member of a jury panel or who is subpoenaed as a witness and is prevented from performing their regular duties will be granted a leave of absence with pay and without loss of personal leave time. An employee is required to sign-over court compensation to the payroll department as soon as reasonably possible. An employee will be paid at their regular rate of pay for their regular schedule during time off for court leave. An employee also has the option of taking personal leave for the court leave and keeping the compensation paid by the court.

Employees who are required to appear in court because they are a party to a civil lawsuit, or because they have been charged with a criminal offense, may take accrued personal leave, but will not receive paid leave from Ark.

### **Educational Leave**

A leave of absence with pay may be granted to full-time employee attending job related, short term, professional development activities such as conferences and workshops with approval from the CEO.

An employee who wishes to enroll in a college class that occurs during normal working hours must submit in writing, prior to registration, to the CEO, their request to enroll in the class. The request should also contain a plan of how the missed time will be made up.

The CEO will review the request and approve or deny the request based on the needs of the organization.



### ***Military Leave***

A full-time employee who is a member of the National Guard or Army, Air Force, Navy, Marines, or Coast Guard Reserve, may be granted a leave of absence without pay for a period not to exceed 15 calendar days in any one calendar year to attend authorized encampments, training, and similar programs in addition to any other leave to which they are entitled. They must provide Human Resources with their orders prior to taking the leave.

If military leave is extended for more than 15 days, an employee must provide the amended orders to their supervisor. While on duty, a full-time employee may maintain any health care benefits received for up to 24 months. For all military leaves not exceeding five years in length, if the employee applies for reinstatement following conclusion of military leave, depending on the length of the leave, the employee will be reinstated in their original position, or a position of like status and pay, provided the employee is qualified to perform the position.

An employee may, but is not required to, use earned personal leave while on military leave.

### ***Voting Leave***

A full-time employee is granted up to one hour of leave with pay, not to include the lunch period, for voting if they are not off-duty for three consecutive hours between 7 am and 7 pm on Election Day. Scheduling time off for voting is subject to prior approval from an employee's immediate supervisor. Time taken to vote is for the purpose of voting only and is not to be used for personal errands.

### ***Leave Without Pay***

Leave without pay may be granted to an employee for a reasonable cause and for not more than five days. When such leave is needed, an employee must have the approval of their immediate supervisor and submit a request for leave using MITC.

A leave without pay for more than five days may also be granted to an employee. When such a situation occurs, an employee must write a request to the CEO and submit a copy of the request to their supervisor. The request should contain the reason for the leave and the dates of the requested leave. An employee may be required to find coverage for the shifts missed during the extended absence. An employee will be required to follow up by submitting a request using MITC. Ark retains the absolute right to decline any request for leave for any reason or no reason at all.

Leave without pay can only be requested after all personal leave has been used. If an employee does not return from the leave without pay as stipulated, employment may be terminated.

# *Odds and Ends*

Donations  
Mail  
Petty Cash  
Purchase Orders  
Requests For Repair  
Vehicle Use  
Visitors To The Building  
Out Of Town Travel On Ark Related Business  
Telephone Solicitations  
Email  
Employee Handbook Revision/Approval Process  
Surveys, Reviews, and Inspections



### **Donations**

Ark Regional Services accepts many different kinds of donations in the form of money, clothing, household items, etc. Ark does not accept items in need of repair.

The Development Management should be notified of all donations made to Ark locations or facilities and will complete all necessary paperwork.

Any monetary donations should be routed to the Development Manager for processing.

Ark Regional Services will write a receipt for any contribution upon request from the donor. The donor is responsible for assigning a monetary value to the donation.

### **Fundraising**

All fundraising efforts are coordinated by the Development Manager with the approval of the CEO. Any employee who wishes to engage in fundraising efforts for the benefit of Ark must receive prior approval before starting any campaign or announcing fundraising efforts and work with the Development Manager throughout the process.

For any outside fundraising efforts conducted by Ark employees, it must be clear to any donor that the employee does not represent Ark Regional Services and the employee may not use Ark logos, letterhead, or any other representations of Ark without approval of the CEO.

### **Mail**

The Director of Finance receives all incoming mail for routing purposes. Mail addressed to and/or from individuals served will be received and/or mailed unopened with exception of material that affects the CEO in their role as representative payee for individuals served.

### **Petty Cash**

Petty cash is distributed by the receptionist for use in a limited scope of purchases. An employee responsible for petty cash funds must ensure that a petty cash slip is completed and initialed and a receipt is obtained for all purchases. The receipt must be attached to the petty cash slip and signed by the employee making the purchase. This shall take place the same day as the purchase. The Receptionist is responsible for balancing petty cash accounts. Any discrepancies will be reported to the CEO.

### **Purchase Orders**

All purchases used to acquire material for work related activities require a properly executed purchase order. All purchase orders are obtained from the front desk. When purchasing goods and/or services for Ark, an employee should complete the following steps:

1. Send purchase order requests to the Financial Requests user group via Therap, submit a paper purchase order request to be processed, or obtain a purchase order form from the Administrative Specialist. Complete the form by listing the business and address, the date, what is being purchased, the quantity, and the approximate total purchase amount.
2. Once supervisory approval is obtained, the purchase order form should be submitted to the appropriate personnel to obtain a budget code and final approval. Large purchases must be approved by the CEO prior to a purchase being made.
3. Present the purchase order to the cashier so they can obtain the tax-exempt information. If an employee is using a purchase card, run the card as they would a regular credit card, collect the receipt, and return both copies of the purchase order to the purchase order file located in the reception area or route the purchase order to the administrative building through the courier system.

4. If an employee is not using a purchase card, give the ORIGINAL (top sheet) of the purchase order to the vendor when making a purchase. Other copies are to be returned to the purchase order file located in the reception area along with the vendor's receipt.

If it is necessary to void a purchase order, write VOID across the face of the purchase order. Place all copies in the purchase order file located in the reception area or route to the administrative building through the courier system. Do not destroy a voided purchase order.

Purchases made by mail or phone follow the same procedure as above. When making a purchase from a vendor who does not accept charges, complete the purchase order and give it to the Accounting Manager asking that the purchase order be sent PREPAID. In limited circumstances, an employee can obtain an Ark credit card to complete the purchase.

### ***Requests for Repair***

#### **Procedure for Completing a Request for Repair**

Click on the Request for Repairs shortcut on the Ark computer in your worksite.

(Select one of the following)

Facility (for permanent Ark owned location)

Select the correct address

Describe the issue with as much detail as necessary

Insert your name and click Submit

Vehicle (for an Ark fleet vehicle)

Select the correct vehicle by license plate number

Describe the issue with as much detail as necessary

Insert your name and click Submit

Adaptive Equipment (for wheelchairs, lifts, walkers, shower chairs, etc.)

Select the Location of the equipment by address

Describe the issue with as much detail as necessary

Insert your name and click Submit

### ***Vehicle Use***

Vehicles owned by Ark Regional Services are available for employee use only for official company related business, unless otherwise approved by the CEO. Employees who operate company vehicles must be approved by Ark's insurance carrier and be properly licensed.

Use of company vehicles for out of town travel must be arranged with the Director of Maintenance and Technology. All out of town trips, including medical appointments for a person served, training, or other business-related travel, must be approved by the supervisor using the Travel Approval Form.

When operating any vehicle used in the course of Ark business, all passengers and operators must wear seat belts. It is the ultimate responsibility of the operator to ensure that the seat belts of all passengers are properly secured.

If an employee is involved in an accident while operating a fleet vehicle, the employee must notify the police and wait at the scene for their arrival. Assist clients as appropriate. Make sure you are given a copy of the other driver's Information from the police officer. Report the incident to your supervisor and complete a Blue Incident Report Form. Submit a GER if clients were in the vehicle.

Although not encouraged, an employee, with prior approval, may choose to use a personal vehicle. In accordance with industry standards for automobile insurance coverage, if an employee uses her personal vehicle for business purposes and is in an accident, the employee's personal automobile insurance will be the exclusive source for insurance coverage for any bodily injury to others, including clients who are passengers in the vehicle. If the employee sustains bodily injury as a result of an accident that occurs during the course of employment (not commuting to or from work), the injury may be covered by Wyoming Workers' Compensation, and the employee must complete a report of injury.

Ark's automobile and general liability insurance will not provide any coverage unless the injured party proves fault on the part of Ark due to Ark negligence. Additionally, the employee's personal insurance will provide the coverage for any property damage that occurs. Ark Regional Services will not be responsible for the cost of any required repairs or the cost of alternative transportation necessitated by property damage to the employee's vehicle. If an employee chooses to use a personal vehicle for Ark related business, they must hold sufficient automobile liability coverage (\$100,000 bodily injury per person, \$300,000 bodily injury per accident, and \$100,000 property damage OR \$500,000 combined single limit) and provide evidence of such coverage to Human Resources and complete necessary paperwork. It is also required that the employee maintain this coverage after proof of coverage is received. Proof of insurance must be submitted to Human Resources and the appropriate liability releases must be signed prior to an employee using their own vehicle. If an employee chooses to use their own vehicle for work purposes, Ark strongly advises that they contact their insurance company to ensure company travel is covered under their policy.

If an employee chooses to use a personal vehicle for Ark related business, they must ensure that the vehicle is safe to operate and in good repair, as determined by a reasonable person. Before operating any vehicle used in the course of Ark business, it is the employee's responsibility to conduct a walk around inspection that includes checking the tires, lights, blinkers, and identifying any damage. If a problem is identified, a different vehicle should be used. If the problem is identified on a company vehicle, a Request for Repair Form should be completed for the damaged vehicle.

Ark Regional Services will not reimburse mileage or the cost of gasoline, so the employee is encouraged to contact their tax advisor to determine how the cost of mileage might be declared as a tax deduction.

### ***Visitors***

Visitors who enter any building owned or operated by Ark Regional Services should be greeted by an Ark employee. Although buildings operated by Ark are public in nature (excluding Residential settings), visitors should not interrupt classes, meetings, or wander around unaccompanied.

In residential settings, visitors should be present only when visiting a person who lives at that location. The visitor should always be accompanied by the person they are there to visit and should show respect to the other people residing in the home. Employees should not have visitors at any time.

If an unfamiliar person is in a building, it is every employee's obligation to inquire as to the business of the individual and escort them to the individual they are there to see.

### ***Out of Town Travel on Ark Related Business***

All out of town travel must be approved prior to registering for an event or making reservations or travel arrangements. This includes travel related to client trips, business related trainings, conferences, or other miscellaneous purposes. Trips involving clients must be approved by the Chief Operating Officer and Director of Residential. All other trips must be approved by the supervisor and the CEO.

For travel outside of Albany County, a Travel Approval Form must be completed with information on departure from and return to Laramie and an estimate of expenses. This form must be submitted to the appropriate supervisor or CSM. Only after notification of approval can registration and/or travel arrangements be made. If an employee is accompanying a person served, the travel form must also indicate that the appropriate guardian contacts have been made if applicable.

Travel that requires an employee to spend the night out of Laramie should also submit a Travel Expense Form. This form is used to obtain a per diem for meals, etc. If travel does not include an overnight stay, an employee must submit receipts for meals and other business-related expenses. After the travel is completed, the Travel Expense Form must be signed and dated to verify that the expenses were actually incurred. Please contact your CSM or supervisor for specific processes.



### **Telephone Solicitations**

Ark employees are not to speak with telephone solicitors. If a solicitation call is received, employees are to professionally inform the caller that Ark does not accept solicitation calls and politely end the call.

### **Email**

Employees should never open email or email attachments from an unknown source. Additionally, emails with an .exe file should never be opened, even when the sender is known. The .exe files can run programs that once initiated, can do damage to files on the network before they can be stopped.

The sending and receiving of personal emails and/or internet use during work hours should be infrequent, short in duration, and should not take away from assigned duties.

Employees should never open email or email attachments from an unknown source. Additionally, emails with an .exe file should never be opened, even when the sender is known.

### **SComm**

Secure Communications (SComm) in Therap is used to communicate information between employees. Only information that pertains to Ark and the execution of the day to day operations of the organization should be communicated over SComm. Employees are not to use SComm to share or distribute information that is not directly related to the operations of the organization without permission from the CEO.

### **Employee Handbook Revision/Approval Process**

All policies and procedures contained within the Employee Handbook must be periodically and consistently reviewed/revised to ensure all material is current. The following steps will be taken to ensure the revision process is sustained.

1. Every year the Employee Handbook will be reviewed by the Compliance Officer and Director of Human Resources. Ark reserves the right to modify, suspend, or revoke any policy or procedure at any time.
2. During the review period, all affected employees will be responsible for reviewing their respective procedures and address any changes (additions, deletions, changes in language, updates, etc.)
3. The CEO will review the proposed changes and make a draft available for the Board of Directors.
4. The Ark Board of Directors will review the Handbook annually.
5. Following final CEO approval, revised material will be distributed to each department/work area, be updated on the Ark website, and be available to employees who wish to have a paper copy of the Employee Handbook.
6. Employees are required to acknowledge their review of the Employee Handbook annually.

### **Surveys, Reviews, and Inspections**

Ark Regional Services is subject to a variety of surveys and reviews by outside agencies including CARF, the Wyoming Department of Health, and the Occupational Safety and Health Administration (OSHA). The input that is provided through these reviews, and the opportunity to make improvements to the overall services, is valuable.

During any review, survey, or inspection, all employees should treat guests with respect. While maintaining confidentiality as appropriate, employees should answer questions and will adhere to Ark's value of integrity, which honesty and transparency in business practices is promoted. In situations in which an employee doesn't know an answer to a question that has been presented, they should state that they do not know the answer, will investigate, and will get back to the person with the question.

Although surveys are typically scheduled, a “surprise drop in” can happen at any time. Ark Regional Services promotes the idea of being “survey ready” at all times. This means that if a representative from the State, or CARF, or OSHA, or any regulatory or accrediting agency were to drop by with no warning and perform an inspection, Ark would pass the inspection with no problems found. Employees shall notify their supervisor as soon as possible if any external representative arrives for an inspection or requests information. Also, all requests for files, client information or documents should be referred to the Director of Compliance, you should not provide documentation to any external inspector directly.

Although it is ultimately the responsibility of each employee at Ark Regional Services to ensure that things are clean, each person served has a responsibility to take care of their home. Employees should encourage engagement, get people involved in the care of their space and personal items, and make it fun.

All Ark employees should certainly put their best foot forward when accrediting agencies come to visit, but that should never be the reason they do something. They should put their best foot forward every single day because it is the right thing to do, and the people receiving support deserve the best...every day!



# *Legal Matters*

False Claims and False Claims Recovery  
Contract For Outside Service  
Employee References and Release Of Information  
Policy Prohibiting Retaliation Against Employees  
Harassment  
Workplace Monitoring Policy  
Policy Regarding Information Relating To Legal Proceedings  
Use Of Organizational Resources For Personal Gain  
Tobacco and Vaping Policy  
Nepotism Policy  
Public Relations Activities  
Volunteers, Interns, and Special Guests  
Cell Phone Use  
Blogging and Social Media Policy  
Technology Policy  
Animals and Pets At Work  
Disciplinary Action  
The Family and Medical Leave Act (FMLA) of 1993



## **False Claims And False Claims Recovery**

This policy has been adopted to set forth the commitment of Ark Regional Services to comply with (1) the Federal False Claims Act, 31 U.S.C. § 3729, et seq.; (2) the Wyoming False Claims Act W.S. 9-11-201 through 9-11-212; and (3) state Medicaid plan amendments promulgated to comply with Section 6032 (Employee Education About False Claims Recovery) of the Deficit Reduction Act of 2005 (“DRA”). The DRA requires that state Medicaid Plans be amended to require certain types of providers to establish written policies that address the following: (1) the federal civil False Claims Act (“FCA”); (2) state laws pertaining to civil or criminal penalties for false claims and statements; (3) the whistleblower protections provided under both federal and state laws, and the role of these laws in preventing and detecting fraud, waste, and abuse; (4) the administrative remedies found in the Program Fraud Civil Remedies Act; and (5) Ark Regional Services’ policies and procedures for detecting and preventing fraud, waste, and abuse.

All Ark Regional Services employees, directors, and independent contractors who provide services on behalf of Ark Regional Services must adhere to this policy.

Ark Regional Services has long established as its policy that employees of Ark comply with all relevant federal and state laws and regulations including, but not limited to, those laws and regulations related to billing and documentation practices. No Ark employee or representative has the authority to direct, participate in, approve, or tolerate any violation of any of the laws described in this policy.

- Any Ark employee or representative who knows or reasonably believes that any employee or representative of Ark Regional Services may be involved in any activity prohibited by the FCA, similar state laws, or other fraud and abuse laws is required, as a condition of employment, to immediately report such belief using established incident reporting procedures, which includes reporting the matter to their supervisor, any member of leadership, the Director of Human Resources, or the CEO.
- Ark Regional Services will not take, or tolerate, any intimidating or retaliatory act against an individual who, in good faith makes a report of practices reasonably believed to be a violation of this policy. See the Policy Prohibiting Retaliation Against Employees Who Take Action On Account of Potentially Illegal Activities.
- Ark Regional Services shall make available to all Ark employees written materials regarding compliance with the FCA and the Wyoming FCA.
- Ark Regional Services shall maintain its internal systems and controls to monitor its coding and billing practices on an ongoing basis to ensure compliance with the FCA and Wyoming FCA

### **False Claim Act**

#### **I. Federal Civil False Claims Act (“FCA”)**

The FCA was originally enacted in 1863 after a series of Congressional inquiries disclosed several instances of fraud among defense contractors during the Civil War. The current FCA was passed by Congress in 1982 and was amended in 1986. The FCA is designed to enhance the government’s ability to identify and recover losses it suffers due to fraud. Since the FCA’s enactment, the government has recovered billions of dollars through litigation or settlement of allegations that corporations and individuals violated the statute and improperly obtained federal health care program funds. Congress and the government believe that the FCA is a very effective means to detect fraud, by encouraging individuals, often called “whistleblowers” or “relators,” to uncover and report fraud, and to prevent fraud, by creating strong incentives for companies and individuals to be vigilant in their pursuit of compliance and avoid liability for multiple damages and penalties under the statute.

Ark Regional Services has long established as its policy that employees of Ark comply with all relevant federal and state law and regulations including, but not limited to, those laws and regulations related to billing and documentation practices.

## 1. FCA Prohibition

The federal civil False Claims Act prohibits any individual or company from knowingly submitting false or fraudulent claims, causing such claims to be submitted, making a false record or statement in order to secure payment from the federal government for such a claim, or conspiring to get such a claim allowed or paid. Under the statute the terms “knowing” and “knowingly” mean that a person (1) has actual knowledge of the information; (2) acts in deliberate ignorance of the truth or falsity of the information; or (3) acts in reckless disregard of the truth or falsity of the information. Thus, specific intent to defraud is not required for there to be a violation of the law. Examples of the types of activity prohibited by the FCA include billing for services that were not actually rendered and upcoding, the practice of billing for a more highly reimbursed service or product than the one provided.

The FCA is enforced by the filing and prosecution of a civil complaint. Under the Act, civil actions must be brought within six years of a violation, or, if brought by the government, within three years of the date when material facts are known or should have been known to the government, but in no event more than ten years after the date on which the violation was committed.

## 2. Penalties

Individuals or companies found to have violated the statute are liable for a civil penalty for each claim of not less than \$5,500 and not more than \$11,000, plus up to three times the amount of damages sustained by the federal government.

## 3. Qui Tam and Whistleblower Protection Provisions

The FCA authorizes the Attorney General to bring actions alleging violations of the statute. The statute also authorizes private citizens to file a lawsuit in the name of the United States for false or fraudulent claims submitted by individuals or companies that do business with, or are reimbursed by, the United States. Commonly known as a qui tam action, a lawsuit brought under the FCA by a private citizen commences upon the filing of a civil complaint in federal court, under seal, and service of a disclosure of material evidence on the Attorney General. The government has sixty days to investigate the allegations in the complaint and decide whether it will join the action, in which case the complaint is unsealed, and the Department of Justice or a United States Attorney’s Office takes the lead role in prosecuting the claim. If the government decides not to join, the whistleblower may pursue the action alone, but the government may still join at a later date if it demonstrates good cause for doing so. As an incentive to bring these cases, the Act provides that whistleblowers who file a qui tam action may receive a reward of 15-30% of the monies recovered for the government plus attorneys’ fees and costs. This award may be reduced if, for example, the court finds the whistleblower planned and initiated the violation. The FCA also provides that putative whistleblowers who prosecute clearly frivolous qui tam claims can be held liable to a defendant for its attorneys’ fees and costs.

The federal civil False Claims Act prohibits any individual or company from knowingly submitting false or fraudulent claims, causing such claims to be submitted, making a false record or statement in order to secure payment from the federal government for such a claim, or conspiring to get such a claim allowed or paid.

Whistleblowers are also offered certain protections against retaliation for bringing an action under the Act. Employees who are discharged, demoted, harassed, or otherwise confront discrimination in furtherance of such an action or as a consequence of whistle blowing activity are entitled to all relief necessary to make the employee whole. Such relief may include reinstatement, double back pay, and compensation for any special damages including litigation costs and reasonable attorneys’ fees.

## 4. Program Fraud Civil Remedies Act of 1986

A similar federal law is the Program Fraud Civil Remedies Act of 1986 (the “PFCRA”). It provides administrative remedies for knowingly submitting false claims and statements. A false claim or statement includes submitting a claim or making a written statement that is for services that were not provided, or that asserts a material fact that is false, or that omits a material fact. A violation of the PFCRA results in a maximum civil penalty of \$5,000 per claim plus an assessment of up to twice the amount of each false or fraudulent claim.

## II. Wyoming False Claims Act

Wyoming, like many states, has enacted a statute the Wyoming Medicaid False Claims Act (Wyo. Stat. 42-4-301 through 42-4-306) like the federal FCA that provides a civil remedy for the submission of false and or fraudulent Medicaid claims to the state; the making or use of false records or statements material to a false or fraudulent claim; or, receiving the benefit of a false or fraudulent claim and failing to make arrangements for repayment of the claim within ninety (90) days after discovery of the falsity of the claim., including to state health care programs such as Medicaid. Courts may assess penalties of not less than five one thousand dollars (\$51,000.00), nor more than ten thousand dollars (\$10,000.00) for each act, as well as civil penalties up to three times the amount of damages that a governmental entity sustains because of a person's act, along with the cost of attorney and court fees. The Wyoming FCA does not apply to claims for unemployment or workers' compensation benefits, submissions relating to state taxes, or statements made in the course of obtaining licensure.

This law includes whistleblower provisions that provide remedies to contractors, employees and agents who suffer retaliation because of lawful acts taken in good faith by the employee or others in any action or investigation under the Act. Those subject to such retaliation can sue directly for the employment loss or damages caused by the retaliatory actions. allow enforcement through qui tam actions, and protect whistleblowers employed by governmental entities from retaliation. Wyoming statutes also impose criminal penalties for the submission of false claims to a state health care program. See (W.S.9-11-201 – 9-11-212) Under some circumstances, the Wyoming FCA permits citizens who report and/or pursue recovery of false claims to share in the penalties assessed under the statute.

The Wyoming Medicaid Fraud Control Act (Wyo. Stat. 42-4-401 through 42-4-412) prohibits, in relation to the delivery of or payment for services or supplies under Medicaid, making false or fraudulent Medicaid claims, deliberately concealing a material fact, making a false statement to be used by someone else, or executing a scheme to commit fraud. Criminal penalties include a misdemeanor fines of up to \$750 and imprisonment of up to six months if the amount of claims for services or supplies under Medicaid is less than \$1,000, or a felony with imprisonment up to ten (10) years and a fine up to \$10,000 if the claims equal or exceed \$1,000.

This Act also prohibits: (i) a Medicaid provider to purchase or lease a service or supply for which Medicaid may make whole or partial payment, and then solicit or accept anything of additional value in connection with the purchase or lease; (ii) selling or leasing to a provider a service or supply for which payment may be made, in whole or in part under Medicaid, and offer, transfer or pay anything of additional value in connection with the sale or lease; (iii) refer an individual to a provider for a service or supply for which payment will be made under Medicaid, and solicit or accept anything of value in connection with the referral; or (iv) act on behalf of a provider to charge, solicit, accept or receive anything of value in addition to the amount payable for a service or supply under Medicaid. These provisions are not violated by refunds or discounts made in the ordinary course of business and reflected in the records of those involved in the transaction within a reasonable time after the transfer of value. Violations of this section of the Act carry a possible term of imprisonment up to five years and a fine of not more than \$10,000.

Finally, the Medicaid Fraud Control Act prohibits a person from failing to keep records required under Medicaid, including all records that fully disclose the nature of the services or supplies provided to a recipient.

### III. Policies and Procedures for Detecting and Preventing Fraud, Waste, and Abuse

Ark Regional Services' Chief Executive Officer and Corporate Compliance Officer are responsible for the proactive prevention of fraud and abuse through education and training of all Ark employees. Similarly, Ark employees always have a responsibility to report concerns about actual or potential wrongdoing and are not permitted to overlook such actual or potential wrongdoing. Ark Regional Services has several policies aimed at protecting fraud, waste, and abuse. These include:

1. Corporate Compliance Policy;
2. Policy Prohibiting Retaliation Against Employees Who Take Action On Account of Potentially Illegal Activities;
3. Billing Review Procedure.

Whenever an Ark employee has any question about the possible application of the above laws to any activities, they should consult with their supervisor, or the Ark Corporate Compliance Officer.

Ark employees always have a responsibility to report concerns about actual or potential wrongdoing and are not permitted to overlook such actual or potential wrongdoing.



### ***Contract for Outside Service***

Based on a determination of need and in compliance with IRS regulations, the CEO may authorize contracts for outside services. The contracts will be initiated and drafted by Ark and may be reviewed by Ark's legal counsel. The contracts will be limited to one year but may be renewed upon approval of the CEO.

### ***Employee References and Release of Information***

Ark will not disclose any information regarding the employment of a current or former employee except as described in this policy.

Employees are to refer all requests, written or verbal, for personnel information concerning applicants and current or former employees to Human Resources.

Employees are to refer all requests, written or verbal, for personnel information concerning applicants and current or former employees to Human Resources. Human Resources will respond to such requests by providing dates of employment and position information and will confirm or deny a last salary or wage if stated by the inquiring party.

Upon receipt of a signed release from the employee in a form acceptable to Ark, supervisors may prepare letters of support for the limited purpose of an employee's application for admission or participation in an education program which requires such a letter. All support letters will be prepared by the supervisor and must be approved by the Director of Human Resources. Also, employees who request such letters should be aware that the letters must accurately reflect all circumstances of employment, positive or negative. Ark reserves the right to decline any request for letters of support.



## ***Policy Prohibiting Retaliation Against Employees***

The protection provided under this policy includes, but is not limited to, protection from retaliation in the form of adverse employment actions such as termination, suspension, or demotion.

Ark policy prohibits retaliation of any variety against any Ark employee who: (1) discloses, or threatens to disclose, information to a governmental agency of an activity of Ark Regional Services that is in violation of law, rule, or regulation; (2) provides information to a governmental agency conducting an investigation, hearing, or inquiry into alleged violations by Ark Regional Services of any law, rule or regulation; or (3) objects to or refuses to participate in any activity, policy, or practice of Ark Regional Services which is in violation of any law, rule, or regulation. The protection provided under this policy includes, but is not limited to, protection from retaliation in the form of adverse employment actions such as termination, suspension, or demotion.

Employees are not responsible or authorized to investigate the activity or to determine fault or corrective measures; appropriate administrative personnel are charged with these responsibilities. Insofar as possible, the confidentiality of employees making reports under this policy will be maintained. Ark expects all employees to exercise sound judgment to avoid baseless allegations.

If an employee has knowledge of information that suggests that Ark is in violation of any law, rule, or regulation as described above, the employee is encouraged to contact their immediate supervisor or the CEO or the Compliance Officer at 307-742-6641 or through SComm or email. Any employee who believes they are experiencing retaliation for actions protected under this policy must contact the Director of Human Resources, immediately at (307) 742-6641.

## ***Harassment and Bullying***

Ark is committed to providing a work environment that is free of discrimination and harassment based on race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity, or any other characteristic protected by federal, state or local laws. Harassment (both overt and subtle) is a form of employee misconduct and is strictly prohibited. Ark will not tolerate any form of harassment. (Ark considers bullying as described below a form of harassment)

Employees are encouraged, but not required to ask others to stop the offensive conduct when it occurs. However, there is no requirement that an employee ask others to stop offensive conduct before or instead of reporting such conduct under the Harassment Reporting Procedure below, if the employee does not feel comfortable asking the offending person to stop or does not believe that the offending person will respond constructively to such a request.

Harassment includes any verbal or physical conduct of an offensive nature which is based on any protected characteristics, including offensive comments, jokes, innuendos, insults, or other forms of inappropriate conduct based on such characteristics. Harassment also includes offensive or harassing statements or conduct which is motivated by a person's race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, or gender identity, whether or not the statements or conduct are overtly derogatory toward those protected characteristics.

This policy can be violated by conduct of other employees, supervisors, vendors, visitors, clients, customers, or any person who interferes with the working environment of Ark employees.

This policy prohibits all varieties of sexual harassment, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or otherwise offensive nature when:

- a. Submission to such conduct is made either explicitly or implicitly a condition of an individual's continued employment, or
- b. Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Likewise, this policy prohibits any verbal or physical conduct of a sexual or otherwise offensive nature, including offensive comments, jokes, innuendos, other sexually oriented statements, and insults or inappropriate conduct based on protected status such as gender.

Ark Regional Services will not tolerate bullying behavior. Ark defines bullying as repeated mistreatment of one or more people by one or more offenders. It is abusive conduct that includes but is not limited to: threatening, humiliating or intimidating behaviors; work interference/sabotage that prevents work from getting done; verbal or physical abuse, or damage to personal property; persistent singling out of one person without cause; using obscene or intimidating gestures; not allowing the person to speak or express themselves (i.e., ignoring or interrupting); personal insults and use of offensive nicknames; public humiliation in any form; constant criticism on matters unrelated to the person's job performance; accusing someone of errors that cannot be documented; spreading rumors and gossip; encouraging others to disregard a supervisor's instructions; deliberately excluding an individual or isolating them from work-related activities.

Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible.

- a. **Management Responsibility:** Management responsibilities and obligations under this policy include, but are not limited to: monitoring the workplace and responding to any violations of this policy, encouraging employees who have complaints to report those complaints, investigating thoroughly any and all reports of harassment, and taking corrective action when necessary to change, modify, or control situations involving confirmed claims. All supervisors are required to immediately report any complaint or observation of conduct which may violate this policy to Human Resources.
- b. **Harassment Reporting Procedure:** An employee who believes that they have been subject to or has observed any form of harassment or discrimination should immediately report the circumstances to their immediate supervisor. If that individual is unavailable or an employee believes it would be inappropriate to contact that person, an employee should immediately contact the Director of Human Resources or any member of the Ark Leadership.
- c. **Investigation and Confidentiality:** The Director of Human Resources and the Director of Compliance (or other appropriate designees), will investigate all reports or observations of conduct which may violate this policy. Confidentiality of the report and investigation will be maintained to the greatest degree possible consistent with the need to conduct a thorough and complete investigation.
- d. **Retaliation is Prohibited:** No adverse employment action will be taken for any employee making a goodfaith report of alleged harassment or discrimination. Any retaliatory conduct should be reported to the Director of Human Resources or the CEO.
- e. **Corrective Action:** In the event, upon investigation, Ark concludes that discrimination, harassment, or other inappropriate conduct has occurred, the responsible employee may be subject to disciplinary action, up to and including termination of employment. The CEO will make the final decision on disciplinary action.

## ***Workplace Monitoring Policy***

From time to time, Ark may photograph or videotape employee activities while at work or on Ark owned or managed property. This is done for legitimate business purposes, such as:

- to evaluate employee job performance;
- to use in connection with employee training and quality assurance activities;
- to improve the health and safety of clients and employees;
- to disclose and investigate incidents of misconduct, abuse, neglect, criminal activity, policy violations, or other instances of inappropriate behavior by employees;
- to prevent theft or destruction of Ark or client property.

Ark reserves the right, except as limited by law, to photograph or videotape employee activities and to monitor and record employee workplace communications and conversations without notice.

In some cases, an employee may be notified in advance of such photographic or video monitoring. For example, Ark may conduct videotape monitoring of clients and common areas in accordance with the Plan of Care. However, Ark reserves the right, except as limited by law, to photograph or videotape employee activities and to monitor and record employee workplace communications and conversations without notice. Ark will not photograph or monitor any area where employees have a reasonable expectation of privacy, such as bathrooms.

Ark employees may not modify, obstruct, damage, disable, or otherwise tamper with any video or photographic device installed in any Ark property. Conducting activities or interactions involving Ark clients in a manner intended to avoid or hide from video or photographic monitoring will result in disciplinary action up to and including termination of employment.

## ***Policy Regarding Information Relating to Legal Proceedings***

From time to time, Ark employees are requested to provide information, documents, or testimony relating to a legal proceeding, an investigation inquiry by a private attorney, or inquiries or investigations by governmental agencies. It is Ark's policy to fully comply with its legal obligations, while taking all steps it believes are necessary to protect the privacy interests of the individual served, and employees, and the confidential aspects of Ark's business. Also, certain information regarding the person served may be protected from disclosure by federal or state law or regulation.

This policy applies to the following types of documents or communications:

- A subpoena, court order, or governmental agency request requiring the production of documents or information regarding Ark or any person served or employee, or requiring any employee to give testimony in any lawsuit, legal proceeding, or administrative investigation regarding Ark or any person served or employee;
- A garnishment, support order, maintenance order, writ of attachment, or writ of replevin relating to Ark or any Ark employee or person served;
- A summons or complaint identifying Ark or any Ark employee or person served as a party to a lawsuit or legal proceeding;
- A verbal, written, or email inquiry from an attorney, paralegal or private investigator relating to Ark or any Ark employee or person served.

Any Ark employee who receives one of these types of documents or communications should immediately contact their supervisor or if their immediate supervisor is unavailable, the next person in their supervisory chain **and** the Director of Compliance. The employee should not release any information or documentation without first receiving directions from the CEO or his representative.

Ark will consult with legal counsel, as necessary and appropriate, to determine Ark's and the employee's obligation to respond to the document.

No Ark employee is authorized to grant permission to law enforcement officers who do not have a search warrant to search any property or premises owned or rented by one of the people served by the Ark.

It is Ark's policy to cooperate with official law enforcement activities. If law enforcement officers serve a search warrant to search any property or premises owned or leased by Ark or one of the individuals served by Ark, the employee should immediately comply with the search warrant and contact their supervisor. If law enforcement officers request information regarding an employee or person served or they request consent to search Ark's property without a search warrant, the employee should immediately refer the law enforcement officers to the CEO.

No Ark employee is authorized to grant permission to law enforcement officers who do not have a search warrant to search any property or premises owned or rented by one of the people served by the Ark.

### ***Use Of Organizational Resources For Personal Gain***

As outlined in Ark's Ethical Code of Conduct, employees are prohibited from using organizational resources for personal gain. This includes using company vehicles for personal activities, engaging in personal activities while on-the-clock, remaining on-the-clock while not working, and utilizing organizational funds/supplies for personal purposes, except to the extent that personal use of company vehicles has been authorized for particular employees. This also includes using office computer systems, voice communication systems, or internet access for personal and/or financial gain. In special circumstances, the CEO can make exceptions to this policy.

### ***Tobacco and Vaping Policy***

Ark prohibits the use of any tobacco, vaping, and e-cigarettes in Ark facilities, buildings, vehicles, or other enclosed area. This would include smoking, chewing tobacco or snuff, as well as vaping or any other form of electronic cigarette or vapor inhalant. Smoking and vaping are permitted only in designated smoking areas. Ash receptacles will be provided at appropriate outdoor locations. Smoking areas will be a reasonable distance from all entranceways, passageways, and operable windows or ventilation systems of buildings owned or operated by Ark.

### ***Nepotism Policy***

Unless otherwise approved by the CEO, no employee shall act in a direct supervisory capacity over a member of their immediate family. For the purpose of this policy, "immediate family" includes an employee's spouse, children, step-children, parents, step-parents, parents-in-law, siblings, step-siblings, half-siblings, siblings-in-law, grandparents, and grand-children. Employees also may not act in a direct supervisory capacity over any other relative or individual who is residing in the employee's home.

### ***Public Relations Activities***

It is imperative that all people associated with Ark Regional Services represent the organization honestly, fairly, and accurately at all times. When preparing for presentations, speeches, research projects, papers, or other activities that include distributing or sharing information about Ark, information must be accurate and up-to-date.

If an employee is in need of public relations resources, it is suggested they contact the Development Manager or the CEO.

Only the CEO or his designated representatives are authorized to speak on behalf of Ark Regional Services.

## ***Volunteers, Interns, & Special Guests***

In order to obtain authorization, an employee must complete a Request for Volunteers, Interns, or Special Guests form, have the form signed by their Department Director at least two weeks prior to the event.

All projects, events, or activities which involve volunteers, interns, observers, or special guests must be approved by the CEO.

A volunteer, intern, observer, or special guest is any individual or group who will visit Ark facilities and is not an employee or contracted labor.

In order to obtain authorization, an employee must complete a Request for Volunteers, Interns, or Special Guests form, have the form signed by their department director at least two weeks prior to the event.

For volunteers and interns, authorization should be obtained well in advance in order to complete the required paperwork.

### ***Cell Phones***

Cell phones do not have secured lines; therefore, employees should use the following guidelines when speaking on a cell phone:

1. Do not use full names of persons receiving services or volunteer information that could be used to easily identify a particular person.
2. Do not discuss confidential or sensitive issues in public areas where you may be overheard.
3. Personal cell phone usage, both voice and text messaging, is strongly discouraged while working at Ark. Personal phone calls and cell phone usage should be infrequent, short in duration, of an urgent nature, and not take away from your assigned duties.

Employees are prohibited from using photographs of clients for personal use, posting photos of clients on social media or otherwise distributing images of clients in any manner other than those described in this handbook.

If it is necessary to call or text someone while driving an Ark vehicle, employees are required to pull over in a safe location to place the call or send the text.

### ***Photographs***

Employees are prohibited from using photographs of clients for personal use, posting photos of clients on social media or otherwise distributing images of clients in any manner other than those described in this handbook. If an employee utilizes a personal camera, cell phone, or other device to capture an image of a client, those photos are protected by the individual's Photograph Release form and can only be used in the manner outlined in the release. Employees are required to submit client photos to the Outreach Coordinator as soon as possible to ensure that the photos are only used in the manner for which Ark has permission. The photo can be emailed to outreach@arkrs.org, or the employee can bring the device to the Outreach Coordinator and have the photos transferred off the employee's device. The employee should delete the photo immediately after it has been received by Ark.

### ***Electronic Signatures***

Ark requires members of its workforce to use electronic signatures (e-signature) to verify time worked and documentation of services provided. To the fullest extent permitted by law, an e-signature is legally binding and equivalent to handwritten signatures. Individuals who falsify e-signatures are subject to disciplinary action, up to and including termination of employment and criminal prosecution, as specified under Ark policy and applicable federal and state laws. Individuals are required to report any suspect or fraudulent activities related to e-signatures immediately to their supervisor or Ark's Security Officer.

Employees are required to agree to an Acknowledgment of Electronic Signature prior to completing documentation of services billed through the Medicaid Home and Community Based Waiver. Ark will adopt security procedures related to e-signatures that are practical and secure, including but not limited to password guidelines, secure transmission standards, and access control policies.

## ***Blogging and Social Media Policy***

Blogs, wikis, social media, and other forms of online discourse have become common methods of self-expression. Ark respects the right of an employee to engage in these types of communications on their personal time and using their personal computer equipment and internet service. However, activities in or outside of work that affect job performance, the working environment or performance of others, or Ark's business interests are prohibited.

If an employee is uncertain about whether information or content that they intend to post is a violation of this Policy, they should seek guidance. For questions about these rules or any matter related to personal websites or blogs, contact the Director of Human Resources.

The policies that apply to employees at work – such as Ethical Code of Conduct, Core Values, Harassment Policy, bullying, and confidential information – apply to employees' online statements, postings, and discussions, even during non-work time, if those activities can have a negative effect on Ark or the working environment of Ark employees. If an employee identifies themselves or could reasonably be identified as an Ark employee on any website and post messages that relate to Ark, its employees, customers, students, or business, they must follow these guidelines:

- **Use a Disclaimer:** Make it clear the views an employee expresses are theirs alone and do not necessarily reflect Ark's views. Use a disclaimer similar to: "The views expressed on this website/blog/post are mine alone and do not represent my employer's views."
- **Special Responsibility of Supervisors:** A supervisor has a special responsibility because their postings may be misunderstood as expressing Ark positions. Therefore, a supervisor who intends to engage in personal posting may not discuss matters related to Ark without advance written authorization from Ark.
- **Confidential and Proprietary Information:** Never communicate such information externally. An employee must not discuss or reveal any client-related information outside Ark. Confidential information generally includes client lists, client information or pictures, personnel matters, financial aid files, financial and marketing data, research and business plans, business strategy, and business decisions.
- **Respect Intellectual Property:** For Ark's and an employee's protection, an employee must abide by the laws governing trademarks, copyright, and fair use of copyrighted material owned by others, including Ark's own intellectual property. An employee's personal postings should not include the company's logos or trademarks, and should respect other applicable copyright, privacy, fair use, and financial disclosure laws.
- **Personal Legal Responsibility:** An employee is what they publish. When an employee chooses to make public their opinions via a website, posting, or blog, they are legally responsible for their comments, and third parties may hold them personally liable for any comments deemed to be unlawful.
- **Equipment Usage:** An employee is prohibited from using Ark's equipment to access, maintain, review, or participate in blogs or social media unless expressly authorized to do so for an Ark business purpose.
- **Media Contact:** If a member of the media contacts an employee about an Ark-related blog posting or requests information of any kind about Ark, please immediately refer the matter without comment to Ark's CEO.

If an employee is uncertain about whether information or content that they intend to post is a violation of this Policy, they should seek guidance. For questions about these rules or any matter related to personal websites or social media, contact the Director of Human Resources.

Violation of this Policy may subject an employee to disciplinary action, up to and including termination, and/or require them to delete the information.

Nothing in this policy is intended to restrict or interfere with employees' rights under the National Labor Relations Act, and this policy will not be enforced against activity that is protected under that Act.

## **Technology Policy**

All Ark computer and communications systems, such as telephone systems, voicemail, e-mail, cell phones and devices, texting or instant-messaging devices, computers, networks, data storage, internet access, and associated software products, as well as all data and information transmitted by, received from, or stored on those systems, are the property of Ark. As such, these systems are to be used for job-related purposes only.

Ark recognizes that employees must sometimes place or receive personal calls on company telephones or use Ark's electronic communication and internet systems for personal purposes. In order to preserve the integrity and availability of these systems for business use, it is essential that all employees minimize and not abuse personal use of these systems. An employee using Ark's computer and communications systems and business property for personal use do so at their own risk and should have no expectation that personal communications and uses are confidential, private, or privileged. To ensure that Ark's computer and communications systems and equipment are used only for legitimate business purposes, Ark may monitor the use of such systems from time to time, without prior notice. This may include listening to stored voicemail or monitoring an employee's use of the internet, e-mail, texting, voice mail, and other Ark computer systems.

Using Ark's computer and communications systems in the following way is expressly prohibited and may result in discipline, up to and including termination:

- Sending, accessing, receiving, posting, or storing data that are discriminatory, harassing, or defamatory.
- Sending, accessing, receiving, posting, or storing sexually explicit material.
- Using Ark systems to send or post intimidating messages or hate speech.
- Using Ark systems to for the purpose of gambling or placing wagers or bets.
- Using Ark systems to conduct illegal activities.
- Sending, receiving, or posting messages that contain inappropriate or profane language.
- Installing personal software or applications (including desktop themes and screen savers) on Ark-issued computers or other devices.
- Downloading, copying, or transmitting works of others in a manner that constitutes infringement under copyright laws.
- Transmitting or posting confidential Ark or client-related information to unauthorized individuals.

To ensure that Ark's computer and communications systems and equipment are used only for legitimate business purposes, Ark may monitor the use of such systems from time to time, without prior notice. This may include listening to stored voicemail or monitoring an employee's use of the internet, e-mail, texting, voice mail, and other Ark computer systems.

## **Animals and Pets at Work**

Animals are not allowed at any building owned or leased by Ark, for any reason, without written permission from the CEO, with the exception of service animals.

## **Disciplinary Action**

### **Causes for Disciplinary Action**

Every employee is expected to approach their job in a professional manner and to ensure that all people including employees, clients, and guests, have a safe and dignified experience at Ark.

The following enumerated grounds for disciplinary action are meant as illustrations of conduct which will not be condoned by Ark. This list is not all inclusive, and Ark retains the absolute right and discretion to discipline employees for conduct which may not be listed below. **All Ark employees are at-will employees.** Ark retains the absolute right to terminate any employee at any time, with or without notice or with or without cause.

This list is meant for guidance so that the employee will be aware of the types of misconduct which will trigger disciplinary action:

1. Failure to perform the duties required by the position;
2. Violation or abuse of any Ark policies stated in the Employee or Client Handbooks;
3. Undue disruption and delay of any Ark service by causing either directly, or indirectly, repeated, and unnecessary disputes and arguments with fellow employees, individuals being supported, or supervisors;
4. Diminishing the morale, order, or efficiency of Ark by disruptive criticism of Ark Regional Services, personnel or policies without going through the proper channels;
5. Insubordination;
6. A conviction for a felony or any misdemeanor which may impact an employee's fitness for the position, as determined at the discretion of the CEO;
7. Engaging in conduct, either on or off the job, which is so offensive to reasonable standards of acceptable behavior as to bring discredit upon Ark;
8. Converting, taking, or appropriating for personal use any money or property belonging to Ark or the individual being supported;
9. Falsification of official records including time cards and client documentation;
10. Unauthorized or inappropriate disclosure of confidential client or personnel information;
11. Violation of Ark policies prohibiting discrimination and harassment;
12. Violation of Ark privacy policies and procedures;
13. Furnishing false information on an employment application or any other information provided to Ark relating to employment;
14. Abuse of the personal leave policy; excessive absences;
15. Any unexcused absence, or any unexcused tardiness;
16. Failure to attend and complete required training;
17. Reporting to work in a drug or alcohol impaired state, or being in a drug or alcohol impaired state during on-call status;
18. Failure to submit to random drug testing or testing positive for illegal drugs;
19. Mistreatment, neglect, abuse, degradation, endangerment, or exploitation of individuals supported;
20. Violation of the Ethical Code of Conduct.

### ***Types of Disciplinary Action***

Depending upon the nature, frequency, and severity of the violations involved, disciplinary action may take any of the following forms. The following list is illustrative only, and Ark reserves the discretion in every disciplinary situation to determine the appropriate disciplinary action, if any. Disciplinary action is not limited to these actions, nor is the system progressive, which means that Ark reserves the right to resort to any serious disciplinary measure without first exercising less serious disciplinary measures.

Types of disciplinary action include:

- Termination
- Suspension
- Demotion
- Reassignment
- Written warning
- Verbal reprimands

All violations of Ark's policies and procedures, as well as the disciplinary measure or measures implemented by an employee's immediate supervisor, will be documented in the employee's personnel file. All Ark employees are at-will employees. Ark retains the absolute right to terminate any employee at any time, with or without notice or with or without cause.



## ***The Family and Medical Leave Act (FMLA) of 1993***

The Family and Medical Leave Act of 1993 requires Ark to provide up to 12 weeks of unpaid, job protected leave to eligible employees for certain family and medical reasons.

**Eligible Employees:** Employees are eligible if they meet the following requirements:

1. The employee has worked for Ark for a total of 12 months in the last seven years;
2. The employee has worked 1,250 hours or more in the 12-month period immediately prior to the beginning of the requested leave;
3. The employee is employed at a work site where 50 or more employees are employed by Ark within 75 miles of the employee's work site.

**Qualifying Reasons for FMLA Leave:** Eligible employees may take FMLA leave for any of the following reasons:

1. To care for the employee's child after birth or placement for adoption or foster care.
2. Because of the employee's serious health condition that makes the employee unable to perform the employee's job. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that prevents the employee from performing the functions of the employee's job. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
3. To care for the employee's spouse, child, or parent who has a serious health condition, as defined above, which prevents the qualified family member from participating in school or other daily activities.
4. Qualifying exigencies, as defined below, arising out of the fact that the spouse, child, or parent of the employee is (a) a member of the National Guard or Reserves or is a retired military service member as defined in the FMLA regulations; and (b) on active duty, or has been notified of an impending call or order to active duty status, in support of a contingency operation. Qualifying exigencies are summarized as follows:
  - A short-notice deployment, meaning a call or order that's given no more than seven calendar days before deployment, with the employee's leave being limited to seven days beginning on the date of the notification;
  - Military events and related activities, such as official military-sponsored ceremonies and family support and assistance programs supported by the military and related to the family member's call to duty;
  - Urgent (not recurring or routine) child-care and school activities, such as arranging for child care;
  - Financial and legal tasks, such as making or updating legal arrangements to deal with the family member's active duty;
  - Counseling for the employee or their minor child that is not already covered by the FMLA;
  - Spending time with the covered service member on rest and recuperation breaks during deployment, for up to five days per break;
  - Post-deployment activities such as arrival ceremonies and reintegration briefings or to address issues from the service member's death while on active duty; and,
  - Other purposes arising out of the call to duty, as agreed on by Ark and the employee.
5. Care of a covered service member (Armed Forces, National Guard, or Reserves) who is recovering from a serious illness or injury sustained in the line of duty on active duty, under the following circumstances:
  - The service member's injury or illness may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating;

- The service member is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or is on the temporary disability retired list;
- The employee is the service member's spouse, child, parent, or next of kin;
- The employee is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

**Substitution of Paid Leave:** In all cases where FMLA leave is taken, the employee must use all available accrued paid leave hours concurrently with the FMLA leave. All FMLA leave in excess of accrued paid leave hours will be unpaid leave.

**Advance Notice, Medical Certification, and reports regarding Status and Intent to Return to Work:** For all foreseeable leaves, an employee will be required to provide 30 days advance notice and certification. FMLA leave may be denied or delayed if advance notice or required certifications are not provided. When leave is not foreseeable, an employee must follow Ark's notice requirements by notifying their supervisor within two hours before they are scheduled to begin their shift, absent unusual circumstances.

An employee must provide sufficient information for Ark to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include the following: (a) that the employee is unable to perform the job functions (or the family member is unable to perform daily activities); (b) the need for hospitalization or continuing treatment by a health care provider; or (c) circumstances supporting the need for military family leave. An employee must also inform Ark if the requested leave is for a reason for which FMLA leave was previously taken or certified.

A medical certification is required to support a request for leave because of an employee's serious health condition, the serious health condition of a family member, qualifying exigency, and military caregiver leave. Ark will provide them with the necessary certification forms shortly after they request leave, and they must return the medical certification form within 15 calendar days of when they receive the form from Ark. Ark may also require copies of appropriate military orders or other documentation to support qualifying exigency and military caregiver leave.

If the employee is covered under Ark's group medical insurance plan, Ark will maintain the employee's health coverage during the FMLA leave period under the same conditions as if the employee had continued actively working.

Ark also requires an employee on FMLA leave to periodically update his supervisor on his status and anticipated return to work.

**Fitness for Duty and Return to Work:** Ark requires that any employee who takes leave for their own serious health condition provide a fitness for duty certification from their health care provider prior to returning to work that specifically addresses their ability to perform the essential functions of the job. Ark will provide them with a description of the essential functions of the job when the leave is designated as FMLA leave, and Ark may delay restoration to employment until the fitness for duty certification is provided.

**Intermittent Leave:** An employee who takes leave for any qualifying reason other than the birth, adoption, or foster placement of a child does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. An employee must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Ark's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Job Benefits and Protection:** If the employee is covered under Ark's group medical insurance plan, Ark will maintain the employee's health coverage during the FMLA leave period under the same conditions as if the employee had continued actively working. An employee taking FMLA leave will be guaranteed the same or equivalent position after returning from leave.

However, key employees may be exempt from FMLA reinstatement protection. An employee will be notified if they are a key employee at the time the leave is designated. Paid time off does not accrue during unpaid FMLA leave.

**Ark Notice Responsibilities:** Ark will notify an employee requesting leave whether they are eligible under the FMLA, and, if so, specify any additional information required as well as the employee's rights and responsibilities. In addition, Ark will notify him if leave will be designated as FMLA protected and the amount of leave counted against your leave entitlement. If he is not eligible for FMLA leave, Ark will provide a reason for the ineligibility, or if the leave is not FMLA-protected, Ark will inform him of that determination.

**Prohibited Actions by Employers:** FMLA makes it unlawful for employers to interfere with, restrain, or deny the exercise of any right provided under the FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement with any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against his employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family or medical leave rights.



# *The Reason We're Here*

Policy On Rights Of Persons Served  
On-Call Process  
Client Handbook  
Human Rights Committee  
Incident Reporting  
Restraint Policy and Procedure  
Protocol For Shopping With People Served  
Unattended Death  
Notifying Persons Served Of A Death



## ***Policy on Rights of Persons Served***

Employees are responsible for protecting the rights of the individuals receiving services.

Under federal Health Insurance Portability and Accountability Act (HIPAA), every client and their representatives have the following rights: to access their own health information including medical and all rehabilitation services information and documentation; to restrict to whom the information is disclosed; to request amendments or changes to the information if they feel it is incorrect, to request a list of the information that has been disclosed and when it was disclosed; and to file a complaint if they feel their privacy has been violated.

If an employee utilizes a personal camera, cell phone, or other device to capture an image of a client, those photos are protected by the individual's Photograph Release form and can only be used in the manner outlined in the release.

Employees are to keep any and all information regarding the client and client activities strictly confidential. This means that employees are able to share medical, health, and Ark service information with the individual client, another Ark employee who is directly involved in providing services to the client, other health care providers, consultants as needed for providing treatments and/or services, or with Ark certifying or funding agencies. It is important that employees use discretion and common sense when providing such information and ensure that only pertinent information is shared and/or reported. Disclosing information with anyone other than those listed above or those who do not have written authorization, will be considered a violation of HIPAA rules and as such must be reported to the Ark Privacy Officer so that the mitigation processes can be initiated. Any person associated with Ark Regional Services who fails to comply with the privacy policies and procedures or the requirements of the HIPAA privacy rule will be subject to disciplinary action up to and including termination.

Additionally, employees will not mistreat, neglect, abuse, degrade, intimidate, exploit, or endanger the people receiving services. This policy will cover all aspects of every service and program provided by Ark.

It is the employee's responsibility to report any incident affecting a client that is outside the normal operation of Ark. Employees should follow Ark Incident Reporting Procedures as outlined in this handbook.

Unless otherwise approved by the CEO, it is against Ark policy for employees to sell items to and/or buy items from clients. Employees should also refuse to accept free items of monetary or personal value from individuals receiving services unless approved by the CEO. In addition, employees must refrain from accepting gifts of monetary value from individuals receiving services, their representatives, or any person or organizations for the purpose of seeking influence or special treatment.

### ***On-Call***

The Client Services Manager (CSM) is the first line of support that an employee should call if they have concerns or questions. If an employee is unable to contact the CSM, they may call the person on-call. The person on-call is there to help the employee problem solve, trouble shoot, and assist with client emergencies. If the situation is potentially life threatening the employee should call 911 before calling on-call.

The on-call pool is made up of employees identified as having appropriate problem-solving skills and philosophical and organizational knowledge sufficient to assist the employee. On-call will often not have all of the answers but will work with the employee to address concerns and solve problems.

The person on-call must be available at all times and answer every call; therefore, the person on-call cannot cover shifts. However, they treat every call as if it were an emergency. They respond to every caller professionally and courteously, and make a personal visit to the location when concerns warrant it.

The Client Services Manager (CSM) is the first line of support that an employee should call if they has concerns or questions.

The person on-call will have immediate access to all emergency information for all of the people served via an electronic medium. Whenever people are out of their homes and employees need access to person specific information they should call the person on-call to get it.

Each person served at Ark Regional Services receives a handbook of rights and responsibilities. Each employee should read and become familiar with the rights and responsibilities of the person served.

### Human Rights Committee

The purpose of Ark's Human Rights Committee is to assure oversight and accountability to the inherent human rights of the people receiving support. The committee will seek the most appropriate and least restrictive interventions to support people to live, learn, work, and play in their community.

Ark's Human Rights Committee will be comprised of the following members:

- Compliance Manager - serves as Chair of committee
- CEO
- COO
- Director of Residential
- Director of Education
- Health Services Manager
- Support Services Manager

The specific functions of Ark's Human Rights Committee are to:

- Review and approve any restrictions of human rights prior to implementation.
- Review and approve all Positive Action Plans and Effective Techniques prior to implementation.
- Review and approve any suggested changes to existing Positive Action Plans and Effective Techniques prior to implementation.
- Review all General Event Reports and make recommendations for more effective interventions in the future.
- On a monthly basis review all General Event Reports to monitor for trends and needed changes to support.
- Attend and participate in individual team meetings as requested.
- Provide support and assistance in determining the function of difficult behavior and work with teams to develop positive interventions that are effective.

### Incident Reporting

An incident is an occurrence which is not within the normal operation of the organization. This includes unusual behaviors for an individual, use of restraint, HIPAA violation, serious illness or injury, and any items from the list below.

The following general reporting procedures should be followed when an incident occurs:

1. Assess the situation, remove the person from any immediate threat or danger, and check for injury. Administer first aid or seek medical attention as needed.
2. Once a situation has stabilized, complete a General Event Report (GER) through Therap for each person involved, or complete a blue Incident report form (if applicable). Use the first and last names of people, not titles (i.e. don't write "on-call," "staff," "my supervisor").
3. An employee is required to review the incident report with their supervisor immediately. If an employee's supervisor is unavailable, they should inform the person on-call or the next available person in their chain of command.
4. If at any time the person an employee would normally contact is the person suspected of abuse, neglect, abandonment, or exploitation, they should contact the next available person in the appropriate chain of command.
5. Once the GER is submitted, the supervisor, CSM, or person on-call will submit a critical incident to appropriate parties. On occasion the person reporting may be requested to contact outside entities.

An incident is an occurrence which is not within the normal operation of the agency or is unusual behaviors for the individual,

## **Critical Incident**

Ark shall report the following incidents involving individuals receiving services to the Division, the Department of Family Services, Protection & Advocacy, the case manager, legally authorized representative(s), and law enforcement immediately after assuring the health and safety of the participant and other individuals:

- Suspected abuse
- Suspected self-abuse
- Suspected neglect
- Suspected self-neglect
- Suspected abandonment
- Suspected exploitation
- Suspected intimidation
- Sexual abuse
- Death

Ark shall report the following incidents involving individuals receiving services to the Division, Protection & Advocacy, the case manager, and legally authorized representative(s) within one (1) business day:

- Police involvement
- Any use of restraint
- Any use of seclusion
- Injuries caused by restraints
- Serious injury to the person
- Elopement
- Medication errors that result in emergency medical attention
- Medical or behavioral admission and emergency room or urgent care visits

**Medication Errors:** Ark shall report medication errors to the Division, the case manager, and legally authorized representative(s) within three (3) business days.

### **Instructions for reporting to the Division:**

The Division refers to the Division of Healthcare Financing – Developmental Disabilities Section - Wyoming Department of Health. To submit an incident report to the Division go to <https://health.wyo.gov/healthcarefin/dd/> and find “To report an incident, click here” in the middle of the page. After clicking the link complete the required information according to the prompts. Be sure to save a copy of the report PDF and note the incident report number, this will be needed to complete the Ark internal incident report (GER on Therap).

### **Instructions for reporting to Protection and Advocacy:**

Send an email to [wypanda@wypanda.com](mailto:wypanda@wypanda.com). In the subject line put the state incident report number. In the body of the email state your name and say that you are from Ark Regional Services in Laramie, WY. Say that you are attaching a reportable incident for their review. Then attach the state report to the email and send the email.

**Instructions for calling the Department of Family Services (745-7324):** When the recording begins, press 0 to get the receptionist, and ask for an intake worker. An employee should identify themselves as an Ark employee and tell them they need to report an incident. Answer that person’s questions, and then document name, the date, and time on the GER. Follow any instructions given. On weekends and evenings an employee will get voicemail. An employee should identify themselves as an Ark employee and leave their name and where they can be reached during the next business day. On the GER, document the time of the message and that it was a voicemail contact.

**Instructions for calling the Laramie Police Department Non-Emergency Phone Number (721-2526):** An employee should identify themselves as an Ark employee and say that they need to report a crime involving a person with a developmental disability. Give the person's permanent address as 1150 N. 3rd, and be prepared to give the person's date of birth. Document the contact, date, and time. The LPD will send an officer to talk with any witnesses and the people involved. The employee will get a business card from the officer with a case number on the back. Enter the case number and other pertinent facts or information in the GER summary.

**DEFINITIONS:**

**Suspected Abuse** - Abuse is the intentional or reckless infliction, by the vulnerable adult's caregiver, family member, or other individual of: injury, unreasonable confinement which threatens the welfare and well-being of a vulnerable adult; or intimidation or cruel punishment with resulting physical or emotional harm, or pain to a vulnerable individual (W.S. 35-20-102). This also includes sexual abuse defined as the infliction of sexual contact upon a person by forcible compulsion, sexual exploitation, and sexual photography. Abuse with respect to child means inflicting or causing physical or mental injury, harm, or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, excessive or unreasonable corporal punishment, malnutrition, or substantial risk thereof by reason of intentional or unintentional neglect, and the commission or allowing the commission of a sexual offense against a child as defined by law (W.S. 14-3-202).

**Suspected Self-Abuse** – Self-Abuse is characterized as abuse (intentionally or recklessly inflicting physical or mental injury, unreasonable confinement, intimidation, cruel punishment, and may include sexual offenses) inflicted by self.

**Suspected Neglect** - Neglect means the deprivation of or failure to provide the minimum food, shelter, clothing, supervision, physical and mental health care, and other care necessary to maintain a vulnerable adult's life or health, or which may result in a life-threatening situation (W.S. 35-20-102). Neglect with respect to a child means a failure or refusal by those responsible for the child's welfare to provide adequate care, food, clothing, safe shelter, maintenance, supervision, guidance, education or medical, surgical or any other care necessary for the child's well-being (W.S. 14-3-202).

**Suspected Self Neglect** - Self neglect means that the vulnerable adult is unable to, due to physical or mental disability, or refuses to perform essential self-care tasks, including obtaining essential food, clothing, shelter, or medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety, or managing financial affairs (W.S. 35-20-102).

**Suspected Abandonment** - Abandonment is defined as leaving a vulnerable adult without financial support or the means or ability to obtain food, shelter, clothing, or health care (W.S. 35-2-103) Abandonment means the child has been left without obvious behavioral, verbal, or written intentions of reclaiming the child (W.S. 14-3-202)..

**Suspected Exploitation** - Exploitation is defined as the reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship, or guardianship of a vulnerable adult, to obtain control through deception, harassment, intimidation, or undue influence over the vulnerable adult's money, assets, property with intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets, or property (W.S. 35-2-102).

**Suspected Intimidation** - The communication by word or act to a vulnerable adult that they, their family, friends, or pets will be deprived of food, shelter, clothing, supervision, prescribed medication, physical or mental health care, and other medical care necessary to maintain a vulnerable adult's health, financial support, or imply that they will suffer physical violence.

**Sexual Abuse** - Sexual abuse means sexual contact including, but not limited to, unwanted touching, all types of sexual assault or batter as defined in W.S. 6-2-302 through 6-2-304, sexual exploitation and sexual photographing.

**Death** – Participant death due to any cause.



**Police Involvement** – Any incident that results in arrests of participants or the participant’s direct care provider, while they are providing services, or questioning of participants by law enforcement.

**Restraint or Seclusion** – See restraint and seclusion sections below.

**Serious Injury** – An injury, such as suspected fractures, wounds requiring stitches, or injuries due to falls or as a result of a restraint, which require an emergency room visit, hospital visit, or non-routine visit to a doctor or clinic.

**Elopement** - The unexpected or unauthorized absence of an individual for more than four hours when that person is receiving waiver services or the unexpected or unauthorized absence of any duration.

**Medication errors that result in emergency medical attention** - A medical emergency that is the result of medication use.

**Medical/Behavioral Admission** – Person was admitted to a medical or behavioral care facility for treatment, i.e. Urgent Care or ER (unscheduled), or hospital visit (in-patient).

**Medication Error** – An event where a person is given: (1) the wrong medication, (2) the wrong dosage, (3) medication which should have gone to a different person, (4) medication via an incorrect delivery route, or (5) medication at the wrong time.

In addition to the Critical Incidents listed above which are required to be reported to the outside entries indicated, the following situations, if involving a person receiving services, should be considered an incident and should be reported as a GER on Therap.

- Displays of aggression or violence

- Communicable diseases

- Use and unauthorized possession of weapons

- Wandering (an individual has left the premises without necessary supports)

- Vehicle accidents

- Unauthorized use and possession of legal or illegal substances

- Suicide and attempted suicide

Each of these incidents will be handled as determined appropriate by the CEO or their designee.

## ***Incident Prevention***

All employees are required to be certified in the Mandt System®

“The Mandt System® is a comprehensive, integrated approach to preventing, de-escalating, and if necessary, intervening when the behavior of an individual poses a threat of harm to themselves and/or others. The focus of The Mandt System® is on building healthy relationships between all the stakeholders in human service settings in order to facilitate the development of an organizational culture that provides the emotional, psychological, and physical safety needed to teach new behaviors to replace behaviors that are labeled “challenging. The Mandt approach to *Building Healthy Relationships* strives to prevent interactions from becoming incidents, provides the information that builds a dynamic framework for these relationships, and extends that framework to all stakeholders in the organization.” - The Mandt System®

In addition, Ark provides a system of comprehensive training which includes classroom certifications, site specific training, client specific training, safety training, and training on policies and procedures. This system incorporates the approach of educate, model, observe, feedback, and, if necessary, re-training. In all aspects of training, Ark incorporates its vision, mission, values, and the philosophy of treating all people with dignity and respect at all times.



## ***Prohibited use of Restraint and De-escalation Process***

Ark will use the Mandt System® as the approved crisis intervention method. All employees working directly with persons served will be trained and certified in this system. All employees will adhere to the teachings and philosophies of the Mandt System®. If a situation escalates beyond a person’s ability to manage the situation and keep the person, themselves, and bystanders safe, law enforcement and/or emergency personnel may be summoned.

Ark does **not** allow for the emergency use of restraint by employees.

## ***Use of Seclusion or Coercion***

Involuntary seclusion is the act of shutting a person out or keeping a person apart from the rest of society. Coercion is the use of force or intimidation to obtain compliance. Ark Regional Services does not believe in the use coercion or seclusion and these practices are prohibited as part of supports provided to people receiving services. Ark Regional Services uses The Mandt System® as a crisis intervention strategy, and will use restraint as a last resort ONLY if the safety of people is a risk.

## **Clinical Holding Policy**

Clinical Holding is the use of restrictive physical interventions that enable staff and/or medical professionals to effectively assess and/or deliver clinical care, treatment, or support to individuals who are unable or unwilling to comply. Clinical holding may be defined as the proactive holding of part of the body to allow a procedure to be carried out. In all cases, the implementation of restrictive physical interventions should only be used when all other less restrictive options have proven ineffective and the procedure or support is deemed absolutely essential for the health and safety of the person. Before the use of any restrictive physical intervention, Ark will complete an assessment using the following criteria:

Benefit – any action or decision must be beneficial to the person and must only be taken when the benefit cannot be achieved without it.

Least restrictive option – any action or decision taken should be the minimum necessary to achieve the purpose and should restrict the person’s movement as little as possible for the shortest time possible.

The person’s choice – the past and present opinions and feelings of the person should be considered as much as possible, and the person must be offered help in communicating their opinions and choices.

Consultation with others – the views of others with an interest in the person’s welfare should be considered, as far as it is reasonable to do so. This may include the person’s primary care physician, other medical professionals, the person’s team, Ark’s Human Rights Committee, and/or close friends or relatives. **Please note: If the person has a guardian, the guardian must approve any use of restrictive physical interventions prior to implementation. This consent must be appropriately documented.**

Enhancing skills and abilities – if the use of restrictive physical interventions was deemed necessary in the past, it should not be assumed that this person will always require this intervention. The person should be provided the opportunity to demonstrate existing skills and develop new skills which may result in the person not needing this intervention in the future.

### **Approval**

The results of the assessment should be well documented, and this information must be provided to Ark’s CEO, including documentation of consent from the person’s guardian, if appropriate. The CEO must approve any use of clinical holding that is implemented by Ark staff.

### **Required Training**

All employees are responsible for ensuring that clinical holding takes place in a safe and appropriate manner in accordance with this Policy. Any person involved in the implementation of restrictive physical interventions must be certified in the technical aspects of the Mandt System® and observe the Prohibited Practices outlined in Mandt. It is important to note that restrictive physical interventions for medical purposes and immobilization are not approved by Mandt, but Ark staff will utilize the physical skills taught through the Mandt System® as the basis for clinical holding.

The clinical holding techniques used will be determined on a case by case basis. These will be developed using the Mandt System® as a guide. The CEO will designate the person or persons who will develop and train on the specific technique to be used in each case. In all circumstances at least one Mandt System® certified instructor will be involved in this process.

### **Documentation**

The use of clinical holding must be fully documented. A General Event Record (GER) must be submitted on Therap® and outside agencies must be notified as appropriate.

## *Shopping With People Served*

Shopping trips may require the use of a check or debit card for client purchases. In limited and rare instances, cash may be used (weekend spending, garage sales, etc.) as determined by the Accounting Services Specialist. All methods of spending will follow this protocol.

- Requesting Client Money
  - A Client Money Request form or an SCOMM needs to be submitted to the Financial Group and your CSM on Therap.
    - The request needs to include the following:
      - Client Name
      - Amount requested
      - Date needed
      - What you will be shopping for
      - The store you are going to
      - Where to route the request
      - What staff person will be responsible for the request
    - Requests must be submitted by noon the day before it is needed, at the latest. Requests for the weekend must be submitted no later than noon on Thursday.
    - Incomplete forms may be returned to the supervisor, delaying processing.
  - After the request is received, the Accounting Services Specialist will process the requests based on the person's allowable budget and will document how much was sent out in either check or debit card and which location/person is responsible for the requests.
  - Once the requests are processed, The CEO, Vice President of Finance, or the Vice President of Maintenance and Technology must sign off on the request and any checks.
  - The request & money is then sent out via courier to complete the shopping.
- Things to know when shopping
  - The individual needs to be present when shopping. Should the individual refuse, see the CEO.
    - Be sure to assist the person when shopping focusing on what the person needs, can afford, personal preference, and paying for the items. Provide guidance towards appropriate items when necessary.
  - Take the check or debit card AND the request form when shopping.
  - Only use the request for the purpose and amount that the request was approved for.

- Stick to the budget-there are only enough funds to cover the request on the debit card
- Process debit cards as CREDIT only. No PIN is assigned to the cards.
  - Clients must sign for their purchase
- Tipping- Clients should tip as any patron would
- Obtain receipts- put the client name on the receipt in case it gets separated from the returned request.
  - Be sure to write tip amounts on the receipts
  - If no receipt is available at purchase (carnival, etc), the employee should hand write a receipt with the purchase details to be returned with the request.
- Return the money bag with the original request, receipts, change, cards, unused checks to the Accounting Services Specialist when shopping is completed.
- Online purchases
  - Online shopping should be only for items that cannot be purchased in person. This should not replace the in-store shopping experience.
  - Do not save client debit card information on the computer or website.
  - Do not use an employee's personal account to complete a purchase for the client. Enter transactions as a guest user on the retailer's website.
  - See the VP of Maintenance and Technology for the use of Ark's online accounts such as Amazon Prime if necessary.
  - Receipts of the purchase are still necessary, please print out what was purchased and the total.
- Dining Out
  - Clients should tip servers as any patron would (customary 15-20%)
  - Write tip amount on the receipts
  - Receipts from fast food restaurants are just as important as receipts from sit down restaurants. Please return all receipts.
  - While accompanying a person served at a restaurant, employees must keep their cost to \$10 or less, including the beverage. Anything over \$10 must be paid by the employee.
  - Please remember that eating out is for the benefit of the person receiving services and not for the benefit of the employee.
  - Employees should purchase their own snacks at the movies.
- Declined Card
  - Debit cards are issued with only the amount requested on them. If an employee goes over the amount, the transaction could be declined.
  - Make sure that you use the card as a CREDIT.

- Cards may be declined up to 3 times at a register before being blocked at the bank. If it declines once or twice, call the Accounting Services Specialist or Ark On-call after hours for assistance.
- Other Important Things to Know
  - Each client only has two debit cards. The use of the request is intended to happen within a week from being processed or to be returned to the Accounting Services Specialist.
  - All debit cards need to be returned when not intended to be used so we can ensure their whereabouts at all times.
  - Cashing checks at ACPE- the client should go inside and should have a staff person present. The staff person must show their Ark ID to the tellers.
  - All money must be accounted for, so receipts are very important.
  - Big Ticket items, such as TV's and furniture must have the prior approval of the CEO.
  - All purchased items, should go to the client's home. Staff shall label the purchased items & add them to the "Client Personal Inventory" list. If an item has a warranty, give that information to the Accounting Services Specialist.
  - If a check needs to be voided, write "VOID" across the check and return to the Accounting Services Specialist. DO NOT throw away checks or tear them up.
  - Employee Reimbursements- Employees should take precautions to ensure they have the right client cards when shopping, to contact the Accounting Services Specialist for assistance with funds if problems arise, etc. They should not use their personal funds to pay for client's items unless it is an extreme necessity or emergency. Employee Reimbursements should be rare occurrences and will be highly scrutinized.

\*\*\*\*IMPORTANT\*\*\*\*

Ark is legally responsible for the money of the people receiving services; therefore, all employees must maintain accurate records of how people's money is spent. It is important that all receipts from purchases and any change received are turned in.

The Spending Request Form and receipt are the only records of the amount of the transaction and for whom the transaction was made. Therefore, an employee must return the request and receipt to the Accounting Services Specialist. Also, should an employee allow spending in excess of the approved amount and cause a check to be returned for insufficient funds, or a debit card transaction results in a person's account being overdrawn, the employee will be held accountable for all charges that are incurred. Please take extra caution when assisting people with their funds.

## ***Unattended Death***

In the event of a suspected death of a person receiving services the employee should follow the following steps:

1. Call an ambulance (911)
2. Perform CPR
3. Once EMS arrives, call the Client Services Manager or immediate supervisor
4. Call the person on-call if the CSM or immediate supervisor is not available
5. The CEO must be notified as soon as it is reasonable to do so. The CEO will ensure the parents and/or guardians and the Case Manger are contacted upon recommendation of the hospital or law enforcement.

Things to remember:

- Do not touch anything in the immediate area.
- Close off the area.
- An employee should note and document the time they first noticed something was wrong and the details of what he observed.

All employees will cooperate as needed in arrangements for removal, transporting, etc. of the body.

Prior to the removal of the body, an employee will inform persons transporting the body of any known communicable diseases and note any personal effects removed with the body (jewelry, glasses, etc).

After removal of the body, any soiled laundry shall be cleaned and returned to the person's inventory. The room or apartment will then be locked until the guardian instructs Ark on how to handle the personal effects.

All employees present at the time of death or preceding shifts, if appropriate, will complete written statements regarding their interactions with the deceased. The appropriate employee shall document the incident and follow the incident reporting procedure to notify the appropriate parties.

## ***Notifying Persons Served of a Death***

The death of a friend is difficult for people to process. It is important that this news be shared so that the person can understand, grieve, and be supported. In the event of the death of a client, employee, or someone important in the client's life, the CEO and/or the person's team will determine the best way to notify clients. Employees will honor the decision of the team and be available to support the clients as needed.